

# SPECIAL EDUCATION POLICIES AND PROCEDURES MANUAL

BRIDGEPORT PUBLIC SCHOOLS

2017-2018



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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[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Early/preschoolSE/Transition\\_BT3\\_Forum\\_2014.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Early/preschoolSE/Transition_BT3_Forum_2014.pdf)

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

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED621.pdf>

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED621S.pdf>

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

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED622.pdf>

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<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/uninterrupted-scholars-act-guidance.pdf>

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<http://ctstatelibrary.org/wp-content/uploads/2015/07/M8.pdf>

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Prior Written Notice, page 3 of the IEP document (ED622)

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<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED622S.pdf>

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

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED622.pdf>

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED622S.pdf>

Notice of Planning and Placement Team Meeting (ED 623)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED623.pdf>

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

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED625.pdf>

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED625S.pdf>

Consent for Special Education Placement (ED 626)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED626.pdf>

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED626S.pdf>

Notice and Consent to Conduct a Reevaluation (ED 627)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED627.pdf>

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED627S.pdf>

Procedural Safeguards Notice Required Under IDEA Part B

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Prosaf.pdf>

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

[http://www.sde.ct.gov/sde/lib/sde/pdf/pressroom/parental\\_notification\\_tri\\_fold.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/pressroom/parental_notification_tri_fold.pdf)

Hearing Officers

[http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/special\\_ed\\_hearing\\_officers\\_bios.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/special_ed_hearing_officers_bios.pdf)

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Improving Education for All Students: CT Framework for RTI, August 2008

[http://www.sde.ct.gov/sde/lib/sde/pdf/pressroom/SRBI\\_full.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/pressroom/SRBI_full.pdf)

Multidisciplinary Evaluation Report for SLD (ED 629P)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED629P.pdf>

Reading Worksheet (ED 630)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED630.pdf>

Mathematics Worksheet (ED 631)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED631.pdf>

Written Expression Worksheet (ED 636)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED636.pdf>

Worksheet for Determination of Eligibility for Special Education Services Under the Classification of  
Autism

[http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/worksheet\\_determination\\_eligibility\\_for\\_special\\_education\\_services\\_classification\\_of\\_autism.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/worksheet_determination_eligibility_for_special_education_services_classification_of_autism.pdf)

Intellectual Disability Eligibility Documentation

[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ID\\_Elig\\_Worksheet.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ID_Elig_Worksheet.pdf)

Planning and Placement Team Worksheet to Determine Eligibility due to an Emotional Disturbance

<http://www.sde.ct.gov/sde/lib/sde/pdf/publications/edguide/worksheetforpptdetermining.pdf>

Summary of Performance (ED 635)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED635.pdf>

Mutual Agreement to Extend Evaluation Timeline for Determining Special Education Eligibility for a  
Student with a Specific Learning Disability (ED 637)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED637.pdf>

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

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED625.pdf>

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED625S.pdf>

Notice and Consent to Conduct a Reevaluation (ED 627)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED627.pdf>

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<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED633.pdf>

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED633S.pdf>

Documentation of Attempts to Seek Parent/Guardian Participation (ED 624)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED624.pdf>

Identification of Gifted and Talented Children in Connecticut

<http://www.sde.ct.gov/sde/cwp/view.asp?a=2618&q=320938>

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IEP Manual and Forms, Bureau of Special Education, CSDE

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/IEPManual.pdf>

Agreement to Change an IEP without convening a PPT Meeting (ED 634)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED634.pdf>

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED634S.pdf>

Secondary Transition Resources

<http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322676>

Transition Bill of Rights for Parents of Students Receiving Special Education Services

[http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/trans\\_bill\\_of\\_rights\\_for\\_parents\\_of\\_students\\_receiving\\_sped\\_services.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/trans_bill_of_rights_for_parents_of_students_receiving_sped_services.pdf)

[http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/spanish\\_trans\\_bill\\_of\\_rights\\_for\\_parents\\_of\\_students\\_receiving\\_sped\\_services.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/spanish_trans_bill_of_rights_for_parents_of_students_receiving_sped_services.pdf)

*Dear Colleague Letter:* Students with Disabilities in Extracurricular Activities, Jan. 25, 2013 (Office of Civil Rights) <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>

Guidance Documents and Topic Briefs, CSDE <http://www.sde.ct.gov>



Guidelines for Assistive Technology (Updated December 2013)

<http://www.sde.ct.gov/sde/lib/sde/pdf/publications/atguide/atguide.pdf>

Topic Brief: Evaluation Timelines Guidance

[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Evaluation\\_Timelines.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Evaluation_Timelines.pdf)

Topic Brief: Extended School Year

[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Topic\\_Brief\\_ESY.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Topic_Brief_ESY.pdf)

Guidelines for Feeding and Swallowing Programs in Schools (2008)

[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Feeding\\_and\\_Swallowing.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Feeding_and_Swallowing.pdf)

Guidelines for Occupational Therapy in Educational Settings (1999)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/OTGuidelines.pdf>

Guidelines for Training and Support of Paraprofessionals (2012)

[http://www.sde.ct.gov/sde/lib/sde/pdf/cali/guidelines\\_paraprofessionals.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/cali/guidelines_paraprofessionals.pdf)

New: Guidelines for Adapted Physical Education (2012)

<http://www.sde.ct.gov/sde/lib/sde/pdf/publications/apeguide/apeguide.pdf>

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

[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/PSOGS\\_FAQ.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/PSOGS_FAQ.pdf)

Guidelines for Physical Therapy in Educational Settings (1999)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/PTGuidelines.pdf>

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

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/abuse.pdf>

A Guide to Comprehensive School Counseling Program Development (2008)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/counseling.pdf>

Guidelines for the Practice of School Psychology (2004)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/PsychSocial/GuidelinesSchoolPsychology.pdf>

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

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Guide4TrngUse.pdf>

Topic Brief: Summary of Performance (SOP) Frequently Asked Questions

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/TopicBrief-SOPFAQ.pdf>

Topic Brief: Writing Transition Goals and Objectives

[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Transition\\_GO.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Transition_GO.pdf)

New: Topic Brief: Questions and Answers Regarding Parentally Placed Students in Private Schools

[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/QA\\_Private\\_Schools.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/QA_Private_Schools.pdf)

Link to IEP Direct: <https://login.frontlineeducation.com>

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Least Restrictive Environment Procedural Checklist (ED 632)

<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/ED632.pdf>

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion in Schools

[http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/understanding\\_the\\_laws\\_and\\_regulations\\_governing\\_the\\_use\\_of\\_restraint\\_and\\_seclusion\\_in\\_schools.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/understanding_the_laws_and_regulations_governing_the_use_of_restraint_and_seclusion_in_schools.pdf)

Guidance Related to Recent Legislation (July 1, 2015) Regarding Restraint and Seclusion in Schools

[http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/guidance\\_related\\_to\\_recent\\_legislation\\_regarding\\_restraint\\_and\\_seclusion\\_in\\_schools.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/guidance_related_to_recent_legislation_regarding_restraint_and_seclusion_in_schools.pdf)

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

[http://www.sde.ct.gov/sde/lib/sde/pdf/pressroom/parental\\_notification\\_tri\\_fold.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/pressroom/parental_notification_tri_fold.pdf)

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[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/QA\\_Private\\_Schools.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/QA_Private_Schools.pdf)

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[http://www.cga.ct.gov/current/pub/chap\\_170.htm#sec\\_10-233](http://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-233)

Board of Education Standards of Conduct Policy  
<http://www.bridgeportedu.com/Board/policies.html>

Guidelines for In-School and Out-of-School Suspensions, Revised December 2010, CSDE  
[http://www.sde.ct.gov/sde/lib/sde/pdf/pressroom/In\\_School\\_Suspension\\_Guidance.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/pressroom/In_School_Suspension_Guidance.pdf)

Discipline Flow Chart  
[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/ISS\\_Discipline\\_Flow\\_Charts.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/ISS_Discipline_Flow_Charts.pdf)

Questions and Answers on Serving Children Eligible for Transportation: November, 2009: US Department of Education  
<http://idea.ed.gov/explore/view/p/.root,dynamic,QaCorner,12>

## **Introduction**

All members of the Bridgeport Public Schools community should have a shared understanding of the legal and regulatory requirements for the provision of special education and related services to students with disabilities who are eligible for special education. Special education is not a place, but an array of services and supports for students, staff and parents that provides students with disabilities an individualized education program which addresses the students' unique needs.

### **Understanding - the Individuals with Disabilities Education Act (the "IDEA") and other federal and state laws and regulations regarding special education.**

In order to remain eligible for federal financial assistance under the IDEA, states must comply with the mandates of the IDEA and other federal special education laws and regulations.

States must also pass laws and regulations to ensure appropriate implementation of the federal requirements. These state requirements may be more stringent than those found in IDEA. The state may also pass requirements regarding issues related to special education, but not addressed in IDEA.

Fundamentally, the district is required to provide a free appropriate public education (a "FAPE") in the least restrictive environment ("LRE") to students eligible under the IDEA. The provision of such a FAPE in the LRE must be consistent with the requirements of the IDEA, federal regulations, and state law and regulations. This policy manual incorporates the requirements imposed by these federal and state mandates, as it sets forth policies and procedures for the provision of special education to students eligible under the IDEA.

## **Definitions and explanations of common terms and acronyms used in this manual.**

The following section defines and/or explains terms used in this manual, consistent with the IDEA, federal regulations, and the state statutes and regulations. Where appropriate, terms specific to Connecticut have been used in place of general terms found in federal law or regulations (e.g., references to “the SEA” (state educational agency) have been replaced with “the Connecticut State Department of Education”; references to “IEP (individualized education program) Team” have been replaced with “PPT (planning and placement team)”).

**Accommodations** are changes to instruction (such as materials, content enhancements, and tasks) that change *how* a student learns. Accommodations may include assistive technology devices and services.

**Adverse Effect** exists when educational performance is negatively affected as a result of the manifestations of the student’s disability. Evidence must exist that supports a relationship between the manifestations of the student’s disability and decreased educational performance.

A finding of adverse effect on educational performance cannot be based solely on discrepancies in age or grade level performance in academic subject areas. Rather, when determining if the student’s disability has an adverse effect on educational performance, PPTs must consider all aspects of the child’s functioning at school, including academic, social/emotional, cognitive, communication, vocational and independent living skills. An adverse effect can be manifested through behavioral difficulties at school; impaired or inappropriate social relations; impaired work skills, such as being disorganized, tardy; having trouble getting to school on time; and difficulty with following the rules.

**Annual Review** refers to the requirements that the PPT review a student’s IEP periodically, but not less than annually (within 365 calendar days), to determine whether the Student’s needs have changed, whether the annual goals and objectives for the child have been achieved, etc.

**Assistive technology (AT) device** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device. (IDEA Regulation, 34 CFR Section 300.5)

**Assistive technology service** means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes—

(A) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(B) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(C) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(F) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child. (See IDEA Regulation, 34 CFR Section 300.6)

**At no cost** refers to the requirement that all specially- designed instruction is provided without charge to students or their families. This requirement does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

**The board or the board of education** means the Bridgeport Board of Education.

**Change in Placement** refers to certain changes in the setting in which a student is educated. A student's placement may be changed by a PPT. A change in placement may also be deemed to have occurred if a student:

- is removed from school **for more than 10 consecutive** school days; or
- 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
  - Of such additional factors 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.

**Child Find** refers to the requirement that all children with disabilities residing in the State who may need of special education and related services be identified, located, and evaluated.

The Child Find mandate requires the district to ensure that all children with disabilities who are residing within their boundaries, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated. Child find activities must include any child who is suspected of being a child with a disability, in accordance with federal regulations. (See IDEA Regulation, 34 CFR Sections 300.311(a)(i) and 300.311(c)(1))

**Consent when consent is required for an activity, it is required that—**

- A. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
- B. The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- C. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

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

**Education record** means those records that are directly related to a student and maintained by the district or by a party acting for the district.

**Evaluation** means the summative results of the evaluation procedures, including assessments, used to determine whether a student is a student with a disability requiring special education and related services and the nature and extent of the special education and related services that the student needs. Parental *consent* is required for this type of evaluation.

**Evaluation Procedures** refers to the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent that may assist in determining whether the student is a student with a disability and, if so, the content of the student's Individualized Education Program.

- An *Initial Evaluation* means the first time evaluation procedures are conducted in accordance with the IDEA to determine whether a student has a disability and the nature and extent of the special education and related services that the child needs.
- A *Reevaluation* means evaluation procedures that are conducted no more than once a year, unless the parents and the district otherwise agree, but at least



every three years to review or reestablish the extent, if any, of the special education and related services that the child needs. A reevaluation may only take place after an initial evaluation has been conducted.

- An *Independent Educational Evaluation (IEE)* means an evaluation conducted by qualified examiners who are not employed by the district responsible for the education of a child. A parent always has a right to obtain an IEE at their own expense. In certain cases, an IEE may be provided at public expense. Public expense means that the district assumes the responsibility for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. If a parent requests an IEE at public expense, the district must, without unnecessary delay, either file a due process complaint to request a hearing to show that its evaluation was appropriate or ensure that an IEE is provided at public expense.

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

**Extended school year (ESY) services** are special education and related services that are provided to a child with a disability beyond the normal school year of the public agency; in accordance with the child's IEP; and at no cost to the parents of the child. ESY services must meet the standards of the Connecticut State Department of Education.

Each district must ensure that ESY services are available as necessary to provide a free appropriate public education (FAPE). ESY services must be provided only if a child's PPT determines, on an individual basis, that the services are necessary for the provisions of FAPE to the child. A district may not limit ESY services to particular categories of disability; or unilaterally limit the type, amount, or duration of ESY services. (See 34 CFR Section 300.106)

**Extraordinary learning ability** may be found when the planning and placement team determines that a child is gifted and talented on the basis of either performance on relevant standardized measuring instruments, or demonstrated or potential achievement or intellectual creativity or both.

**Free appropriate public education or "FAPE"** means special education and related services that: are provided at public expense, under public supervision and direction, and without charge; meet the standards of the State Department of Education, including the requirements of the IDEA; include an appropriate preschool, elementary school, or secondary school educational program; and are provided in conformity with an individualized education program (IEP) that meets the requirements of federal and state law. (IDEA Regulation, 34 CFR Section 300.17)

### ***Individualized education program or IEP***

An individualized education program, or “IEP”, is a written statement of the program for each child with a disability eligible for services under the IDEA. The IEP is developed, reviewed, and revised by the planning and placement team in accordance with federal and state law and regulations. An IEP must include:

- A. A statement of the child’s present levels of academic achievement and functional performance, including—
  - a. How the child’s disability affects the child’s involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
  - b. For preschool children, as appropriate, how the disability affects the child’s participation in appropriate activities;
- B. A statement of measurable annual goals, including academic and functional goals designed to—
  - a. Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and
  - b. Meet each of the child’s other educational needs that result from the child’s disability;
- C. For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;
- D. A description of—
  - a. How the child’s progress toward meeting the annual goals will be measured; and
  - b. When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;
- E. A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child—
  - a. To advance appropriately toward attaining the annual goals;  
To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and  
To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;
- F. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class, or for preschool children, an explanation of the extent, if any, to which the child will not participate in activities with nondisabled peers;

- G. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessment consistent with 34 CFR Section 612(a)(16) of the IDEA; and
- H. If the PPT determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why—
  - a. The child cannot participate in the regular assessment; and
  - b. The particular alternate assessment selected is appropriate for the child; and
- I. The projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services and modifications.
- J. Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include—
  - a. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
  - b. The transition services (including courses of study) needed to assist the child in reaching those goals.
- K. Transfer of rights at age of majority. Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child’s rights under Part B of the IDEA, if any, that will transfer to the child on reaching the age of majority under 34 CFR Section 300.520 of the IDEA regulations.

Nothing in this section shall be construed to require—

- 1. That additional information be included in a child’s IEP beyond what is explicitly required in 34 CFR Section 614 of the IDEA; or
- 2. The PPT to include information under one component of a child’s IEP that is already contained under another component of the child’s IEP. (IDEA Regulation 34 CFR Section 300.320)

***Gifted and talented*** refers to children identified by the planning and placement team as possessing demonstrated or potential abilities that give evidence of very superior intellectual, creative or specific academic capability and 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.

***IEP document***

The IEP document developed by the Bureau of Special Education (BSE) contains IEP components required by the IDEA, as well as supplementary sections for CSDE use. The

additional items have been included to facilitate compliance, monitoring and data collection. The term “IEP document” refers to the entire 12-page form currently in use, containing both the IEP (as defined in IDEA) and the supplementary items.

**LEA** –see “local educational agency”

***Least Restrictive Environment or “LRE”***

Each district must ensure that—

- a. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
- b. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if 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.

***Local educational agency (LEA)*** means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools. For the purposes of this manual, the term local educational agency refers to the Bridgeport Public Schools.

***Modifications*** are changes to the content of instruction, which changes affect what the student learns. Modifications include changes in the content standards or the performance expectations.

***Native Language***

- A. *Native language*, when used with respect to an individual who is limited English proficient, means –
  - a. The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child;
  - b. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.
- B. For an individual with deafness or blindness, or for an individual with no written language, the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication).

***Nonacademic and extracurricular services and activities*** may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to

individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.

Each district must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's PPT, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.

***Outstanding talent in the creative arts*** may be found when the planning and placement team determines that a child is gifted and talented on the basis of demonstrated or potential achievement in music, the visual arts or the performing arts.

***Parent***

*Parent* means—

- A. A biological or adoptive parent of a child unless the biological or adoptive parent does not have legal authority to make educational decisions for the child;
- B. A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;
- C. A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
- D. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;
- E. A surrogate parent who has been appointed in accordance with 34 CFR Section 300.519 or 34 CFR Section 639(a)(5) of the IDEA regulations;
- F. A specific person or persons identified through a judicial decree or order to act as the parent of a child or to make educational decisions on behalf of the child;
- G. A student who has attained the age of majority or has been declared an emancipated minor by a court of competent jurisdiction; also known as an **eligible student**.

***Personally identifiable*** means information that includes:

- A. The student's name.
- B. The name of the student's parent or other family members.
- C. The address of the student or student's family.
- D. A personal identifier, such as the student's Social Security number, student number, or biometric record.
- E. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
- F. 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.

- G. Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

**Physical education means** the development of physical and motor fitness; fundamental motor skills and patterns; and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and includes special physical education, adapted physical education, movement education, and motor development.

**Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. The term does not include:

- Briefly holding a person in order to calm or comfort the person;
- restraint involving the minimum contact necessary to safely escort a person from one area to another;
- medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance;
- helmets or other protective gear used to protect a person from injuries due to a fall; or
- helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to section 10-76d and is the least restrictive means available to prevent such self-injury.

**Planning and Placement Team, or PPT, for a child with a disability** 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:

- A. When used in the context of identifying and evaluating students who may be gifted or 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;
- B. When used in the context of providing a free appropriate public education (FAPE) to a student with a disability, the PPT means the individuals described below. The PPT in Connecticut is responsible for all of the activities necessary to ensure an eligible student receives a FAPE;

For the purposes of providing a free appropriate public education (FAPE), the school the District must ensure that the PPT for each child with a disability includes—

- A. The parents of the child;
- B. Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- C. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- D. A representative of the school district who—

- a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of resources of the public agency.
- E. An individual who can interpret the instructional implications of evaluation results;
- F. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of the knowledge or special expertise of any individual must be made by the party who invited the individual to be a member of the PPT;
- G. Whenever appropriate, the child with a disability.
- H. Transition services participants. The school district must invite a child with a disability to attend the child's PPT meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals;
  - a. If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.
  - b. To the extent appropriate, with the consent of the parents, the school district must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

***PPT attendance***

- A. A member of the PPT is not required to attend a PPT meeting, in whole or in part, if the parent of a child with a disability and the district, in writing, agree 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. In such cases, form ED633, *Planning and Placement Team Attendance* must be completed.
- B. A member of the PPT may be excused from attending a PPT 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—
  - a. The parent, in writing, and the district consent to the excusal; and
  - b. The member submits, in writing to the parent and the PPT Team, input into the development of the IEP prior to the meeting. Again, in such cases, form ED633, *Planning and Placement Team Attendance* must be completed. *Planning and Placement Team Attendance (ED 633)*

***Procedural Safeguards*** - The IDEA requires school districts to provide parents with a notice containing a full explanation of the procedural safeguards available under the IDEA and the IDEA regulations. A copy of this notice must be given to parents one time each year\_and also when the following occurs:

- The first time the parents or the school district asks for an evaluation.
- The parents ask for a copy of these procedural safeguards.
- The first time in a school year that the parents request a due process hearing or file a state complaint.
- A decision is made to take a disciplinary action against a child that is a change in placement.
- The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under the IDEA regulations, which are the following:
  - 34 CFR Section 300.148 - *Unilateral placement*
  - 34 CFR Sections 300.151 through 300.153 - *State Complaint Procedures*
  - 34 CFR Sections 300.9 and 34 CFR 300.300 - *Parental Consent*
  - 34 CFR Sections 300.502 through 300.503 - *Independent Educational Evaluation and Prior Written Notice*
  - 34 CFR Sections 300.505 through 300.518 - *Other procedural safeguards, mediation, resolution process, impartial due process hearing*
  - 34 CFR Sections 300.530 through 300.536 - *Discipline procedures*
  - 34 CFR Sections 300.610 through 300.625 - *Confidentiality of Information*

### ***Related Services***

- A. *Related services* means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech- language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.
- B. Exception: services that apply to children with surgically implanted devices, including cochlear implants.
- C. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.
- D. Nothing above —
  - a. Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services that are determined by the PPT to be necessary for the child to receive FAPE.



- b. Limits the responsibility of a school district to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or
- c. Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly, as required by federal regulations (See 34 CFR Section 300.113(b)).

**School Day** means any day, including a partial day, which children are in attendance at school for instructional purposes.

**School Year** means the period beginning July 1<sup>st</sup> and ending June 30<sup>th</sup>.

**Seclusion** means the confinement of a person in a room, whether alone or with staff supervision, in a manner that prevents the person from leaving, provided seclusion does not include any confinement of a person at risk in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.

**Services Plan** means a written statement that describes the special education and related services the district will provide to a parentally-placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary, and is developed and implemented in accordance with relevant federal regulations (See 34 CFR Sections 300.137 through 300.139).

**Special education** means specially designed instruction developed in accordance with applicable law and regulations, offered at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education and special classes, programs or services, including related services, designed to meet the educational needs of exceptional children.

**Specially designed instruction** means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction—

- To address the unique needs of the child that result from the child’s disability; and
- To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the school district that apply to all children.

**Supplementary aids and services** means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in

extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate. (See 34 CFR Section 300.42)

**Surrogate parent** an individual who has been granted 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.

**Town** (or municipality), as used in this manual, refers to the City of Bridgeport;

**Transition services** means a coordinated set of activities for a child with a disability that—

(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes—

- Instruction;
- Related services;
- Community experiences;
- The development of employment and other post-school adult living objectives; and
- If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
- (vi) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education. (IDEA Regulations 34 CFR Section 300.43)

**Travel training** means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they live; and learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

***Vocational education*** means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree. (See 34 CFR Section 300.39)

**“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 who meets the definition of a parent as used in the IDEA.

## **CHAPTER ONE: CHILD IDENTIFICATION**

## Overview

### **Child Find (*District Procedure Appendix A*)**

The district has a child identification process that provides for the location, identification and evaluation of all children from birth through age 21 who 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 Board of Education who may be gifted or talented.

***The district's child find procedures can be found in Appendix A. All staff who have contact with students should review Appendix A.***

The district recognizes that Child Find activities must include prompt referral to the planning and placement process, and possible identification and/or evaluation, of students whose behavior, attendance, including truant behavior, or progress in school is considered unsatisfactory or at a marginal level of acceptance.

The district's special education department coordinates the child find process. The district uses a variety of community resources and conducts systematic activities in an effort to identify children requiring special services. District staff consult with appropriate representatives of private schools within the district's boundaries. The district assures that activities for students attending private or religious schools located in the district are *comparable to* activities undertaken for students with disabilities in our public schools. See also, "***Students Participating in Private/Religious Schools***" for a more detailed description of possible services provided to children enrolled in private schools.

### **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 student is in the custody of the Commissioner of Children and Families (DCF) 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:

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

The district recognizes that 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. Students who are entitled to receive a surrogate parent are (1) a student who is, or may be eligible for special education, (2) 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, or (3) 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.

### **The Role of the PPT in Child Find**

Every decision regarding the provision of special education to students with disabilities, including eligibility determinations, evaluations, programming determinations and service delivery, is to be made by a PPT.

Once a referral for an initial evaluation is made, a PPT meeting is scheduled to discuss the referral. Parents are to receive written notification of the referral and written notice of the PPT meeting at least 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 both the district and the parents.

Upon the request of the parent, and prior to the PPT where the initial evaluations are planned and discussed, the district will 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's performance and his/her academic instruction.

As part of an initial evaluation or any reevaluation, the PPT will review existing data regarding 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 data, disciplinary information, health/nursing data, and any other relevant data for that student. Once the review is completed and the parent's input is considered, the PPT will decide if there is evidence to support the conclusion that the student has a disability that is adversely impacting his/her educational performance. The PPT may decide an evaluation is not needed and that general education programming and services are appropriate.

If the PPT decides that an eligibility determination should be made (or in the case of a reevaluation, that a determination as to the student's continuing eligibility should be made), the PPT will 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 eligible for special education and related services. The PPT will then examine the student's educational needs so that an appropriate IEP can be developed and implemented. If the PPT determines there is not enough data or information to make an eligibility determination, or that there is not enough data or information to develop an appropriate IEP, the PPT will recommend

evaluations to determine eligibility for special education and/or support the development of an IEP.

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

Under state regulations, if a parent does not respond to a request for written consent within 10 school days, the parent has effectively refused to give consent for the evaluation or reevaluation. In such case, the district may not evaluate or reevaluate the student.

After review of an initial evaluation or, as appropriate, a reevaluation, the PPT will make the determination of whether the student is a student with a disability and in need of special education. If the student is found eligible for special education, the development of the student’s IEP shall be 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 will not exceed 45 school days from the date of referral, or 60 school days for students placed in a private school by the PPT, exclusive of the time necessary to secure written parental consent for the initial evaluation and initial receipt of special education and related services.

As appropriate, the district will give the parent prior written notice (PWN) before the district takes the action as discussed by the PPT. Please refer to ***“Written Notice, Prior Written Notice and Consent”*** for additional information regarding prior written notice requirements.

### **Identification of Children - Birth to Age Three**

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, from birth to age three, are identified, located and evaluated, and if eligible under either Part B or C of the IDEA, provided the necessary services in a timely manner.

The district recognizes its relevant responsibilities are as follows:

- When the district is informed of a child between the ages of birth to three who has or may have a disability, the district will either (a) make a child referral directly to the Birth to Three System via the statewide toll-free number or (b) provide the parent with the information so that they can make the referral themselves.

- If a parent of a child under age 3 opts not to consent to, contact and/or pursue an early intervention evaluation through the Birth to Three System and requests that such evaluation be conducted by the district, the district will comply by convening a planning and placement team (PPT) meeting to determine if the child will be provided an evaluation in order to further determine if the child is a child with a disability under the IDEA Part B. The district is obligated to provide special education and related services to an eligible child no later than a child's third birthday.
- The Birth to Three System will not accept referrals of children at and over 34 months of age. Those children will be referred to the school district. The district will accept the Birth to Three referrals of children who have been referred to the Birth to Three System at 34 months of age. The special education referral process will begin on the date a child has been referred to the district. In such cases, both state and federal timelines apply. For children referred by a parent during the summer months, Connecticut state regulations for the referral timeline apply as well as the IDEA evaluation timeline.
- In cases of children who are referred by their parents to the district at 34 or 35 months of age, the district recognizes the goal of ensuring that eligible children are provided with a free appropriate public education (FAPE) no later than their third birthday. In situations where it may not be possible to provide FAPE by the time the child reaches age three, the district will complete the referral process within 45 school days of the referral.
- The district's child find activities will include those activities that target children whose families are homeless, highly mobile children, children whose primary language is not English and children participating in public and private early childhood programs.
- If the district opts to conduct a diagnostic placement to determine a child's eligibility for special education and/or to develop an appropriate IEP, the diagnostic placement will be completed prior to the child turning age three in order to ensure that an IEP offering FAPE is being provided by the child's third birthday.
- For children over the age of 2 and ½, whose parents have not referred the child to the district, the district will conduct appropriate child find activities to ensure that identification, location and evaluation activities can occur.

### **Transition to Special Education from the Birth to Three System**

The purpose of transition planning for those children with disabilities receiving early intervention services through the Birth to Three System is to ensure that eligible children and their families experience a *smooth and effective transition* to the school district. The Birth to Three System will (a) obtain written parental consent on the Birth to Three Referral to the School District Form as the child nears age three and will send that referral to the school district; or (b) provide child specific information on children



over 2 and ½ years of age whose parents have not consented to the referral of their child to the school district so that child find activities could occur accordingly.

If the school district has received the Birth to Three Referral to the School District Form, the district recognizes that the process of transitioning the student is as follows:

- The district receives the Birth to Three Referral to the School District Form and completes the Standard Referral Form (ED-621).
- The district has a system of collecting and maintaining data on children referred from the Birth to Three System and other child-specific information in order to track children receiving early intervention services over time to ensure that they are timely evaluated and provided a free appropriate public education (FAPE) by age 3.
- The district has an assigned transition contact responsible for working with the family of the child and the child's Birth to Three providers regarding transition activities.
- The district has one or more individuals that will attend and/or participate in the 90-day transition planning conferences convened by the Birth to Three System. The district has the capacity and available staff to ensure the availability of school personnel to attend 90-day transition conferences 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 the district. The PPT meeting will be scheduled sufficiently early (preferably soon after the 90-day transition conference) to ensure that if eligible, the child will receive FAPE no later than their third birthday. 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. The district, with parental consent, will invite the child's Birth to Three service coordinator to participate in the child's PPT. The child's PPT will review and consider all available Birth to Three information, including the child's Individualized Family Service Plan ("IFSP"), in the PPT decision-making process.
- If the child is scheduled to turn age three 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 the student's birthday 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.

A designated member of the PPT will be prepared to discuss with the parents the differences between the Birth to Three System and the public school in the provision of special education and related services to eligible children. Areas of discussion may include: the difference in program model/focus; the difference between an Individualized Family Service Plan (IFSP) and an Individualized Education Program (IEP); the nature of the specialized instruction and related services the student will receive; and other similarities and differences.

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## **Identification of Children Below School-Age**

The district will conduct on-going child find activities throughout the school year. Such child find activities will include:

- child-specific developmental screenings;
- community-wide developmental screenings;
- outreach to pediatricians, family care providers, and other medical and health professionals;
- child care, preschool, nursery and other early care and education providers; and, other

The district will ensure that outreach and public awareness efforts include a contact person, contact office and contact information so families and other referral sources can easily make referrals to the school district and/or express concerns about a child's development.

Identification and location activities will also include an initial evaluation in accordance with the IDEA's requirements such that children who may require special education services are referred to the PPT for consideration of evaluation and if so determined, the design of an individualized evaluation to determine a child's eligibility.

The district will accept referrals from parents and other referral sources. When a referral has been made by an individual other than the child's parent, the district will seek to obtain parental consent on the referral.

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

### **Transfer Students**

The principal or designee in each of the district's 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 that the student

has been identified as a student who has disabilities and requires special education and related services, the student, upon enrollment, will be provided an appropriate program including services comparable to those described on the student's IEP. If the Individualized Education Program (IEP) from the sending school/district requires revision, a Planning and Placement Team (PPT) meeting is to be held at the earliest possible opportunity to develop, adopt and implement a new IEP. For students transferring from another state, the district may also conduct an evaluation, if determined to be necessary, and develop a new IEP, if appropriate.

### **Currently Enrolled Students**

Students attending the district 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 by completing the district's standard referral form and following procedures for notifying the parents (within 5 school days of the referral by completing the *Notice of Referral to PPT*). A PPT meeting will be 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; 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 that the student should be evaluated. For further information on the evaluation process, refer to the chapter entitled "*Evaluation/Reevaluation*".

### **General Education Interventions**

Before the district personnel refer a student to a Planning and Placement Team (PPT), alternative procedures and programs in general education will be considered and implemented if appropriate. Parents are encouraged to collaborate with the teacher and other involved staff during this time. Interventions in general education may include instructional or positive behavioral support strategies designed to address the student's concerns. 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. If the student's difficulties persist, the district will make a prompt referral to a PPT while the alternative procedures and programs in general education continue.

The district recognizes that initiatives in general education programming such as Scientifically Research Based Interventions (SRBI) are designed to emphasize successful instruction for all students through the differentiation of instruction in the classroom. SRBI emphasizes high quality core general education practices, as well as targeted

instruction for students experiencing learning, social-emotional or behavioral difficulties. SRBI is designed to ensure that all students in public school classrooms receive appropriate instruction by providing 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. It is appropriate for identified students with disabilities to be included in this type of multi-tiered system of intervention as deemed beneficial and appropriate to their level of learning or behavioral progress.

A referral may be made at any time for a special education evaluation regardless of where the student falls within the multi-tiered intervention process. In such cases, the district will hold a PPT meeting to consider the referral while also continuing the general education interventions.

As a resource for this section, you may wish to review the Connecticut State Board of Education's Position Statement on Creating a Healthy Learning Environment that is Physically, Emotionally and Intellectually Safe.

## **Referral Process**

### **Referral**

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 (for example, a physician or social worker) to whom parental permission to make a referral has been given.

A standard referral form is used by the district to document all referrals for the initial evaluation of a child to determine if the child is a child with a disability. This form is available at the district's Special Education Department as well as in each school. Once completed, the form must be given to supervisory or administrative personnel of the board of education or the child's teacher. The completion of this referral form initiates the PPT process.

The parent is not required to submit the standard referral form for the initial evaluation of a child to determine if the child is a child with a disability. The district will accept, as a

referral, a concern expressed in writing from the parent that the student be referred for an initial evaluation. If a parent is discussing concerns about their child with district personnel and the district personnel is not clear as to whether or not the parent is requesting that their child be referred for evaluation, it is incumbent upon the district personnel to clarify, with the parent, the parent's intent.

In cases when the standard referral form is not used by the parent to make the referral, the district will complete the standard referral form for the purposes of documenting the referral. The date of referral for purposes of determining if the evaluation timeline is met is the day the district receives the referral, not the day the standard referral form is filled out by the district staff.

The district has developed a process for accepting referrals from parents who cannot put their request in writing or require assistance in completing a referral.

Upon the district's receipt of a referral, whether made by the parent, the school district or other; parents will be notified in writing of their right to request a meeting prior to the first PPT. Upon request by a parent, the district will provide such parent an opportunity to meet with a member of the planning and placement team (PPT) prior to the referral PPT meeting at which the assessments and evaluations of the student are to be presented to the parent for the first time. Such meeting shall be for the sole purpose of discussing the PPT process and any concerns the parent has regarding the student.

At each initial planning and placement team meeting, the district will inform the parent of the laws relating to physical restraint and seclusion and the rights of such parent under those laws. (Note: 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.)

Upon request by a parent, the district will provide the results of the assessments and evaluations used in their child's determination of eligibility for special education at least three school days before the referral PPT meeting at which the results of the assessments and evaluations will be discussed for the first time.

At the referral PPT meeting, IEP meeting summary page (page 2 of the IEP) will document that: (1) the parent was informed of their right to a meeting prior to the first PPT; (2) that the parent either did – or did not – request the meeting, (3) whether the meeting was held and if so, who attended and (4) the issues discussed.

In holding these meetings with a parent prior to the PPT, the district will ensure that the PPT member designated the task of meeting with the parent understands the PPT process and has the skills, knowledge and ability to explain the PPT process to a parent in a user-friendly manner.

## Notification

The district will provide written notice to 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)
- Description of the general evaluation procedure to be used
- Requirements for consent

Along with the referral notice, the district will send a full explanation of all procedural safeguards available to the parent or eligible student. The notice will be in writing, and provided in a language understandable to the general public, and in the dominant language or other mode of communication used by the parents, unless it is clearly not feasible to do so. If the dominant language (or other mode of communication) of the parent is not written, the district will insure *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 PPT is to review the information gathered and determine whether a student is eligible for special education. For a student to be eligible for special education, he/she must meet the following criteria:

- The student must be between the ages of three (3) to twenty-one (21)
- The student must have *one or more* of the following disabilities. The definition and list of disability terms is found in the IDEA and/or Connecticut law.
  - Autism
  - Deaf-Blindness
  - Developmental delay (ages 3-5 years, inclusive)
  - Emotional Disturbance
  - Hearing Impairment (Deaf or Hard of Hearing)
  - Intellectual Disability (Note: Connecticut uses this term)
  - Multiple Disabilities
  - Orthopedic Impairment
  - Other Health Impairment
  - OHI-ADD/ADHD

- Physical Impairment
- Specific Learning Disability
- Specific Learning Disability - Dyslexia
- 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 effect on educational performance, the student requires special education and related services.

The PPT must determine that educational performance is adversely affected as a result of the manifestations of the student’s disability. Adverse effect on educational performance cannot be based solely on discrepancies in age or grade level performance in academic subject areas. Rather, when determining if the manifestations of the student’s disability has an adverse effect on educational performance, PPTs must consider all aspects of the child's functioning at school, including academic, social/emotional, cognitive, communication, vocational and independent living skills. An adverse effect can be manifested through behavioral difficulties at school; impaired or inappropriate social relations; impaired work skills, such as being disorganized, tardy; having trouble getting to school on time; and difficulty with following the rules.

### **Students Placed in Private/Religious 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 setting aside a specific amount of federal funds referred to as a *proportionate share*. Specific and detailed information regarding such scenarios is located in the chapter, “***Students Participating in Private/Religious Schools***”.

### **Gifted and Talented**

In Connecticut, school districts are required to identify and evaluate students who may be gifted or talented. The requirement to identify and evaluate students who may be gifted or talented arises under Connecticut law. It is not a requirement found in the IDEA. While identification is mandated under state law, programming is not. The district may, but is not required to, provide services to those students identified as gifted and talented. A statement related to the district’s policy on the provision of services to those students identified as Gifted and Talented is available through the district special education department.

The district may identify up to ten percent of its total school population as gifted and talented.

## **Procedures for Identification of Gifted and Talented**

The district will evaluate and identify gifted and talented children using the PPT process. Parents must be notified in writing that a referral to the PPT has been made to determine a child's identification as either gifted or talented. A PPT, for the purpose of identifying and evaluating students who may be gifted or 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 or talented.

## **Identification and Evaluation of Students who may be Gifted and Talented**

The PPT must process the referral for an evaluation. The district may use individual evaluations or group assessment and evaluations to identify gifted and talented children. Written parental consent must be secured before a child is individually evaluated for identification as gifted and talented. The PPT may review existing data to determine if the student may be identified as gifted or talented. If the PPT determines that sufficient information exists to determine eligibility, further evaluation is not necessary.

The results of the planning and placement team meeting concerning a determination of the child's identification as gifted or talented will be provided to the parent in writing. If a parent disagrees with the results of the evaluation conducted by the board of education, the parent has a right to a hearing, pursuant to sections 10-76h-1 to 10-76h-16, inclusive, of the Regulations of Connecticut State Agencies.



## CHAPTER TWO: CONFIDENTIALITY

## **CONFIDENTIALITY**

### **General Information**

The district establishes and implements policies and procedures which ensure that records are classified, filed, protected, kept confidential, reviewed, and when appropriate, destroyed according to the Individuals with Disabilities Education Act (IDEA), and the Family Educational Rights and Privacy Act (FERPA), the state regulations concerning special education, the state's Records Retention Schedule for education records maintained by public school districts, and other legal requirements. The Records Retention Schedule is produced by the state Public Record Administrator, located in the State Library. 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 the confidentiality of student records are maintained and only authorized individuals have access to student records. FERPA applies to public schools and other education agencies that receive federal funds.

IDEA contains specific references to FERPA about how the district should maintain education records and aligns with the FERPA provisions. There are some additional requirements for the release of special education records found in IDEA that will be addressed in a later section of this manual.

Student health information that any school personnel have recorded such as records of the school nurse, occupational or physical therapist or speech therapist, and health information that outside health care providers have provided to the district are considered "education records" covered by FERPA and the FERPA requirements apply to maintaining the confidentiality of these records. The Health Insurance Portability and Accountability Act (HIPAA) *generally does not apply* to health records considered education records and maintained by the district. If the district has its own school health clinic and students received medical services at the clinic, HIPAA requirements may apply to certain records.

### **Education Records**

Student records are those records that are directly related to a student and maintained by the district or by a party acting for the district. This definition is broad and may

include any records, files, documents and other materials (for example, video or audio tape, film) which are maintained electronically or in hard copy in writing by the district or by a party acting for the district.

### **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 IDEA and FERPA, as well as in district procedures concerning education records. The district has designated a custodian of records or specific person or persons responsible for ensuring the confidentiality of any personally identifiable information. The identification of those persons may be obtained at the district special education office.

### **Release of Confidential Information**

Parents generally have the right to access all of the education records of their child. FERPA requires that parental consent be secured for the release of (or access to) student education records to third parties. Several exceptions to this consent requirement, however, permit the district to release education records to certain individuals, groups or governmental entities without the district first securing parental consent for the release of information. You may wish to discuss the members of that list with your district counsel.

### **Parental 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. In all cases except where consent is not required under FERPA, the district obtains parental consent before a student's education records are disclosed to anyone.

### **Conditions when Prior Consent is not required for District to Disclose Information**

In accordance with the Family Educational Rights and Privacy Act (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 if the disclosure is:

- (i) 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's education record;
- (ii) To officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer at the same time that the district transfers the records, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.

When the new school informs the district *in writing* that the student is enrolled the district will transfer the record *no later than ten calendar days* after receipt of the written notification.

1. Section 10-220h of the Connecticut General Statutes requires the transfer of records under the following conditions: (*“days” refers to calendar days, unless otherwise specified*)

(iii) When one of the district’s students enrolls 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 our school district within 2 days and the district will transfer the student's education records to the new school or new state charter school *no later than ten days* after receipt of such notification. If the student's parent or guardian did not give written authorization for the transfer of such records then the district will also send notification of the transfer to the parent or guardian at the same time that it transfers the records.

1. In the case of a student who transfers from Unified School District #1 (USD1) to the district, the district will provide written notification of the transfer to USD1 not later than two days after the date the student enrolls in the district. Not later than ten days after USD1 receives the district’s notification of the enrollment USD1 will transfer the student’s education records to the district. Not later than thirty days after receiving the student’s education records the district will credit the student, as appropriate, for instruction received in USD1.

(iv) To authorized representatives of the Comptroller General of the United States; the Secretary of Education; the U.S. Commissioner of Education; the Director of the National Institute of Education, the Assistant Secretary of Education; or State Educational Authorities, under certain conditions as described below, and subject to a written agreement which must comply with 34 CFR 99.35(a)(3). The district 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. The district will not permit such representatives to collect personally identifiable data unless specifically authorized to do so by state and federal law;

(v) In connection with a student's application for, or receipt of, financial aid;

(vi) To state and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974;

(vii) To accrediting organizations in order to carry out accrediting functions;

- (viii) To parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1986;
- (i) 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. 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;
  1. 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;
  2. Of student education records that meets the definition of “directory information” as that term is defined in FERPA; and
  3. To the parent of a student who is not an eligible student or to an eligible student.

Several of these exception categories, which permit disclosures 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 of records is undertaken in accordance with 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. If you have any questions about releasing information, consult with the district’s Custodian of Records.

Recent amendments to FERPA provide the Department of Children and Families, 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.

### **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 the district, 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**

Connecticut law states that notice of a student's suspension or expulsion and the conduct for which the student was suspended or expelled *must be included on the student's cumulative record.*

The district 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. The district includes this statement to the same extent that this information is included in a nondisabled student's records. The statement should include a description of the disciplinary action taken and any other information that is 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 information about any current and previous disciplinary action that has been taken against the student.

When the district initiates disciplinary procedures, it shall ensure that the individual or individual making a final determination regarding any disciplinary action has access to the special education and disciplinary records of the student.

## **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. The district ensures that when it reports a crime committed by a student with a disability, that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to the extent that FERPA permits such transmission.

## **Parental Rights**

### **Parental Inspection and Review of Educational Records**

Parents have the right to inspect and review education records pertaining to their child that are maintained by the district. The district presumes that a parent has the authority to inspect and review records relating to their child unless it has been advised that the parent does not have such authority under applicable state law governing such matters as guardianship, separation and divorce.

A parental request to review and inspect education records must be made in writing. In accordance with state regulations, the district makes the records of a student who is eligible for special education available without unnecessary delay and (the earlier of) either: (a) within ten school days of the request, or (b) before any scheduled PPT meeting, due process hearing or resolution session. The district makes the records of regular education students available without undue delay and no later than forty five days from the date of the request for records.

Other relevant provisions related to parental access to records include:

- A representative of the parent may inspect and review a student's educational records.
- The district will provide to parents an explanation and an interpretation of their child's records upon parental request.
- The district will provide to parents, upon request, a list of the types and locations of education records collected, maintained or used by the district.
- Any test instrument or portion of a test instrument for which the test manufacturer asserts an ownership or copyright interest may not be copied. However, they may be reviewed and inspected by parents.

### **Cost for Records or Search and Retrieval**

In Connecticut, the right to review and inspect the records includes the right to one free copy of a student's records. 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.

### **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 a 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 education 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 the FERPA are transferred to the student at age 18, or when the student is attending a postsecondary institution. Similarly, the rights given to parents under IDEA Part B are transferred to a student who reaches age 18. Accordingly, any rights regarding education records arising under the IDEA are also transferred to the student at that time.

When a student with a disability reaches age 18 (including those students incarcerated in an adult or juvenile, state or local correctional institution, but excluding those who have been determined to be incompetent under State law) the district:

- 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**

A surrogate parent is afforded the legal rights of 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. It's important to remember that when a student is involved with DCF and/or other state agencies, multiple parties may attend the student's PPT meeting, including the student's parents. Once a surrogate parent is appointed, however, the surrogate parent has the sole authority to make decisions regarding the student's education.

### **Amendment of Student Records**

#### **Request for Amendment**

Parents or eligible students may request that the custodian of records 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. Within a reasonable period of time, the custodian of records will decide whether to amend the information in accordance with the parent's request.

#### **Hearing to Amend Student Records**

If the custodian of records refuses to amend the records, parents or eligible students are informed of the refusal. They are advised of their right to a hearing with the district to challenge the information in the record on the grounds that it is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student. Hearings as a result of a parent request for amendment of a student's special education record are conducted in accordance with the procedures of the FERPA. These procedures are summarized follows:

- The hearing is held within a reasonable time after the district has received the request for a hearing from the parent or eligible student.
- The district provides the parent or eligible student notice of the date, time and place of the hearing reasonably in advance of the hearing.
- An individual (including an official of the district), who does not have a direct interest in the outcome of the hearing, conducts the hearing. For example, the Principal of a school that the student does not attend could preside over the hearing.
- The district provides the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised.



- The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney.
- The district provides to the parents within a reasonable period of time after the hearing a written decision of the hearing.
- The hearing decision will be based solely on the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decisions.

### **Hearing Decision to Amend the Records**

If the decision of the hearing is that the data are inaccurate, misleading or otherwise in violation of the privacy rights of the student, the district will inform the parent or eligible student of this in writing. The record will be revised accordingly.

### **Hearing Decision to Not Amend the Records**

If the hearing finds that the information is **not** inaccurate, misleading or otherwise in violation of the privacy rights of the student, the district shall inform the parent or eligible student of the decision. The district also notifies the parent or eligible student of their right to place, in the student's record, a statement commenting on the contested information or setting forth any reason for disagreeing with the district's decision or both.

The district will maintain any explanation placed in the record of the student as part of the records of the student as long as the district maintains the record or contested portion. If the district discloses education records to any party, any explanation having been placed in the record will also be disclosed.

### **Record Maintenance and Destruction of Records**

The district's special education department informs 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. The district will remind 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. Records are considered no longer relevant to the provision of educational services to a student when the minimum retention period, as recommended by the State of Connecticut, has been achieved.

Parents may also request that the records be destroyed. A student's record must be maintained for the minimum state retention period. When the retention period has elapsed, the district is allowed to keep a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed.

If there is an outstanding request to inspect the records, records may not destroy records 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 such information is the obligation of the district. The district will notify parents/guardians of the location of records that are maintained by these agencies and ensure that parents have access to such records.

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

## **Written Notice, Prior Written Notice (PWN) and Parental Consent**

### **Written Notice –General Background**

State and federal law require that parents and eligible students (i.e., students over the age of eighteen) be provided written notices in accordance with various activities during the PPT/special education process. For example, written notices may be required to invite individuals to a PPT meeting or provide notice that a student has been referred for a special education evaluation. This chapter provides guidance regarding instances when written notice may be required.

\*Note: As used in this chapter, “parent” includes the term “eligible student”.

### **Resources for Parents and Eligible Students**

Immediately upon the determination that a student is eligible for special education, the district must provide parents or eligible students two publications that have been created by the State Department of Education: *A Parent’s Guide to Special Education in Connecticut*; and *the IEP Manual*. For students of transition age, a third publication, *Building a Bridge*, must also be provided.

These publications may be provided to parents at the PPT when the student’s eligibility for special education is to be determined. If a parent agrees to access electronic versions of the documents, the district may direct parents to the CSDE website, or links to the publications can be sent to the parents electronically.

The district will document in writing that these publication were provided to the parent, as well as whether they were provided in hard copy, through electronic links, or through electronic transmission. Documentation of the district’s compliance with this requirement will be made on the IEP meeting summary page (e.g., page 2 of the IEP document). If the district opts to send one or more of these publications electronically, the district will request a return email confirming receipt.

Parents must also be provided with a notice containing a full explanation of the procedural safeguards available under the IDEA and the IDEA regulations, as described further below.

### **Transfer of Rights when a Student is 18 (Age of Majority)**

The district will begin to send all required notices to both the eligible student and the parent when a student reaches age eighteen (18). The district will notify 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, or if Guardianship or Conservatorship status has been issued by a court.

A student with a disability who has reached eighteen years of age may notify, in writing, the board of education that the parent of such student shall continue to have the right to make educational decisions on behalf of such student notwithstanding the fact the student has turned eighteen years of age. The student with a disability may revoke the granting of these rights at any time. If such student requires assistance to write or sign by reason of disability or inability to read or write, such assistance may be provided by a person of the student's choosing.

A student with a disability age 18 or older who has not been determined incapacitated by a court may be certified as unable to provide informed consent or to make educational decisions and have an educational representative appointed for them in accordance with the following procedures:

1. Two separate professionals must certify in writing that: they have conducted a personal examination or interview with such student, such student is incapable of providing informed consent to make educational decisions, and such student has been informed of this decision and is informed of the right to challenge it.

These professionals shall be (A) a medical doctor licensed in the state where the doctor practices medicine; (B) a physician's assistant whose certification is countersigned by a supervising physician; (C) a certified nurse practitioner; (D) a licensed clinical psychologist; or (E) a guardian ad litem appointed for such student.

2. When the district receives the required certification, the district will designate an educational representative from the following list and in the following order of representation: (A) such student's spouse; (B) such student's parents; or (C) another adult relative willing to act as such student's educational representative.
3. A student shall be certified as unable to provide informed consent pursuant to this section for a period of one year, provided that such student, or an adult with a bona fide interest in and knowledge of such student, may challenge the certification at any time, through verbal or written communication to any official of the district. Should such a challenge be made, the rights will revert back to such student.

For purposes of this section, "bona fide interest in and knowledge of such student" means an adult who understands and is familiar with the educational needs of such student including, but not limited to an adult who (A) is able to understand the nature, extent and probable consequences of a proposed educational program or option on a continuing or consistent basis for such student; and (B) can make a rational evaluation

of the benefits or disadvantages of a proposed educational decision or program as compared with the benefits or disadvantages of another proposed educational decision or program on a continuing or consistent basis. In no case shall such adult be an employee of the board of education providing services to the student.

### **Communication of Written Notice**

The district will communicate all written notices in a language understandable to the general public. The written notice must also be in the native language of the parent and eligible student or other mode of communication used by the parent and eligible student, unless it is clearly not feasible to do so. This may result in two notices being generated; one in a language understandable to the general public and one in the native language of the parent and eligible student if those two languages happen to be different. 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 eligible student and that the parent and eligible student understands the content of the notice.

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

PWN is a document (Page 3 of ED620) that the district provides to parents and eligible students at or after a PPT meeting. This document serves to notify parents and eligible students, in writing, that the district proposes to or refuses to initiate or change the student's identification, evaluation, or educational placement or the provision of FAPE to the student.

PWN may be provided to the parents or adult student at the PPT meeting where such 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. The date of implementation of the IEP is ten school days from the date the PWN was provided to the parents or eligible student. However, the PPT, which includes the parents or eligible student, may agree on an alternate implementation date for the actions being proposed by the PPT; such agreement will be noted on Page 2 of the IEP document and the agreed-upon implementation date will be noted on the PWN.

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 will 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 IEP document ED620]

- 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 the district 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 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. PWN will include sources to contact to obtain assistance in understanding the provisions of IDEA.

### **Additional Situations Requiring Notice and Notification Forms**

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

#### **Referral**

The district will notify parents and eligible students in writing no later than five (5) school days after the date of a referral to special education. The notice will contain the following elements:

- Reason for notice;
- Source of the referral for special education;
- Date of the referral; and
- 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 or eligible student will be sent with the referral notice.

#### **Disciplinary Situations That Result in a Change in Placement**

In disciplinary situations, parents and eligible students 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:

- The student will be placed in an appropriate interim alternative educational setting for reasons of weapons, drugs, or serious bodily injury (see Chapter 9);
- A hearing officer will order a change in the placement of a student to an appropriate interim alternative setting; or
- The student will be removed from school for a period of time that would be considered a change in placement.

### **Notice of Planning and Placement Team Meeting - ED623**

At least five school days prior to a meeting to develop, review or revise a student's Individualized Education Program (IEP), the parent or eligible student will be 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 will 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 also includes:

- 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 5, page 2); and
- All other PPT meeting notice elements listed above.

### **Notice and Consent to Conduct an Initial Evaluation - ED625**

The notice to secure consent to conduct an initial evaluation will include 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 ten 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 – ED627**

In addition to the elements of PWN, the reevaluation notice will 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 will be notified when no additional data is needed for reevaluation, 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.

The failure of the parent to respond to a request from the district for consent to conduct an initial evaluation, reevaluation or for the initial receipt of special education and related services within 10 days from the date of the notice to the parent will be interpreted as parental refusal of consent (RCSA Sec. 10-76d-8).

In addition to required notice, parents or eligible students will also be provided a copy of the procedural safeguards.

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

The district provides parents and eligible students with prior written notice ten school days before the Planning and Placement Team (PPT) proposes to, or refuses to initiate or change the identification, evaluation or educational placement of the student. PWN will be 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. This includes graduation from high school with a regular diploma.

There are two options for providing PWN to parents. The first option is to give the PWN at the PPT meeting. Through this option, 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 2 of the IEP and the agreed-upon implementation date must be noted on the PWN. If PWN is not provided to the parents at the PPT, the second option requires the district provide PWN not later than ten school days before the PPT proposes to, or refuses to, initiate or change the student's identification, evaluation or education placement or the provision of FAPE to the student. As with the first option, the team and the parents may agree to an alternate implementation date,

which will be noted on page 2 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, the district requires informed parental (or eligible student) consent prior to an initial evaluation, reevaluation, and the initial provision of special education services and release of confidential educational records under specific conditions (see Chapter 2).

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 will be 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**

Parental consent will be 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. For students who transfer into our district with incomplete education records, including an absence of consent for initial provision of special education services, the district will immediately confirm with the parents or eligible student that their wish is for the provision of special education services in our district and seek consent using ED626 [Consent for Initial Provision of Special Education].

Parents 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 ten school days, this lack of action will be interpreted as refusal to give consent for the initial evaluation, reevaluation or initial provision of special education. The district will 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 such parental consent . Documentation of attempts may include the following:

- Detailed records of telephone calls made or attempted and the results of these calls;
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the parent’s home or place of employment and the results of those visits.

The district will use form ED624 [Documentation of Attempts to Seek Parent/Guardian Participation] to record such efforts. 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 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 will not use a parent’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 refuses or withdraws consent in the case of an initial evaluation or reevaluation, the district may file for due process. If a hearing officer upholds the PPT decisions, the district may evaluate or reevaluate without parental consent.

If a parent 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 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. Parental consent for a PPT private placement is not required.

### **Consent Forms**

All consent forms used in the district include:

- A statement of parents’ right to refuse consent and that, if given, it may be revoked at any time;
- A statement that parental) failure to respond within ten 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 district will provide a copy of the procedural safeguards to the parents (or eligible student), at least one time each school year and upon the following occurrences:

- initial referral or parent request for evaluation;
- upon receipt of the first complaint made under the State's Complaint Resolution Process or the first due process complaint filed in a school year;
- on the date on which the decision is made to remove a child from his or her educational placement because he or she has violated a code of student conduct and the removal constitutes a change in placement; or
- upon request by a parent.

The CSDE's procedural safeguard document includes information about the following:

- Evaluation of a child by a person who does not work for the district. 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 an evaluation 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 will be 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, the district will take 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. The district will ensure 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.

It will be documented on page 3 of each of the student's IEPs that the procedural safeguards were either made available to the parent previously that school year and the date on which it was made available or that it was provided to the parent along with a copy of that IEP. In the case when a parent needs assistance understanding the provisions of IDEA, the district will make them aware that they have the option of contacting Connecticut's federally designated Parent Training and Information Center (Connecticut Parent Advocacy Center – CPAC) either via CPAC's web site or at (800) 445-2722.

### **Parental Notification / Laws Relating to the use of Seclusion and Restraint**

Parents will be informed 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 student's IEP. Every parent will 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 their child's IEP is not likely to occur. If the parents or eligible student agree, the district may refer the parents or eligible student to The Parental Notification of the Laws Relating to Seclusion and Restraint in the Public Schools found on the CSDE Web site. This agreement will be documented on page 2 of the IEP.

### **Hearing Officers**

The district will maintain a list of the persons who serve as hearing officers. This list, provided to the district by the CSDE, includes a statement of the qualifications of each person on the list.

## **CHAPTER FOUR: EVALUATION AND REEVALUATION**

## **EVALUATION AND REEVALUATION**

### **Background**

The district will use evaluation procedures to ensure that proper identification of students with disabilities occurs through the implementation of sound assessment and evaluation practices. Evaluation in this context means the summative results of the procedures that the district uses to determine whether a student meets the criteria for identification as a student with a disability, is eligible for special education and related services, and the nature and extent of the special education and related services provided to the student in order for the student to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE).

In conducting the evaluation, the district will use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent that may assist in determining whether the student is a student with a disability and, if so, the content of the student's IEP. The district will not use a single measure or assessment as the sole criterion for determining whether the student is a student with a disability or the content of the student's IEP.

If, after a review of data, the district suspects that the student may have a disability requiring special education and related services, a full and individualized initial evaluation will be designed and conducted prior to making determinations regarding the need for 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. Additionally, 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. 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**

A student may be referred to a PPT at any time regardless of the previous level of intervention provided. Typically, before the district personnel refer a student to a PPT, alternative procedures and programs in general education are explored and implemented where appropriate. Interventions in general education may include instructional or social/emotional and behavioral strategies that address the student's concerns. Parental consent is not required for general education interventions. If

concerns regarding student performance persist, a prompt referral to a PPT will be made.

### **Multi-tiered Intervention Process**

Initiatives in general education programming such as Scientifically Research-Based Interventions (SRBI), also referred to as Response to Intervention (RTI) and Multi-Tiered System of Supports (MTSS), are designed to emphasize successful instruction for all students through the systematic and strategic matching of interventions to students' needs. SRBI emphasizes high quality general education practices, as well as targeted instruction for students experiencing learning, social-emotional and/or behavioral difficulties.

The SRBI framework is designed to ensure that all district students receive appropriate instruction by providing critical information about a student's instructional strengths and needs; using this information to create effective, research-based instructional interventions in general education with frequent monitoring of student progress.

Provision is made for the prompt referral to a planning and placement team of all children who have been suspended repeatedly or whose behavior, attendance, including truant behavior, or progress in school is considered unsatisfactory or at a marginal level of acceptance.

A referral to special education can be made at any time. When a disability is suspected, the district will refer the student for evaluation, even if the student has not first been involved with the district's general education multi-tiered system of supports. A referral for evaluation will also be made if the student's difficulties persist despite interventions from the multi-tiered system of support or upon parent/guardian referral. The district will 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.

If the referral for the initial evaluation is made by someone other than the student's parent, the district will provide notice of the referral to the parent no later than five days after the referral is received by the district.

### **Referral to Determine Eligibility for Special Education and Related Services - ED621**

When a student is referred to the Planning and Placement Team (PPT) for an evaluation to determine eligibility for special education and related services, the district will use the standard referral form, ED621, to document the referral.

A parent is not required to submit the standard referral form for a referral for an initial evaluation. The district shall accept as a referral a concern expressed in writing from the



parent of the child that such child be referred for an initial evaluation and such written concern shall be provided to supervisory or administrative personnel of the district, the child's teacher, or support specialists (e.g., school counselors, social workers). The district shall accept a referral that uses terms that clearly indicate a concern that such child may be a child with a disability and should be evaluated for special education identification and services. If a parent is discussing concerns about their child with district personnel and the district personnel is not clear as to whether or not the parent is requesting that their child be referred for evaluation, it is incumbent upon the district personnel to clarify, with the parent, the parent's intent.

For reporting purposes, the date of referral is the date the district personnel receive the referral. The date of referral is not the date the district's referral form is filled out by the district personnel or the parent.

For parents who are unable to submit their referral in writing, they may submit their referral verbally to supervisory or administrative personnel of the district, the child's teacher, or support specialists (e.g., school counselors, social workers). That district staff member will complete and submit the district's referral form on the parent's behalf within 24 hours using a referral date that is equal to the date on which the verbal referral was made by the parent.

### **Role of the Planning and Placement Team in Evaluation or Reevaluation**

Once a referral for an initial evaluation is made, the district will schedule a PPT meeting to discuss the referral. The district will forward parents 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 will consult with the parents and make reasonable efforts to schedule PPT meetings at mutually convenient times and locations.

Upon request by a parent, the district will provide the results of the assessments and evaluations used in their child's determination of eligibility for special education at least three school days before the referral PPT meeting at which the results of the assessments and evaluations will be discussed for the first time.

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 student's parents, review results of current curricular, local and/or state assessments, consider outcomes of classroom-based observations and observations by teachers or related service providers, and review attendance, discipline, health/nursing data, etc.

In conducting the evaluation, the district will use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parents that may assist in determining whether the student is a student with a disability or determine appropriate

content of their IEP. The district will not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability or for determining appropriate content of the student's IEP.

Once the review is completed and input from the student's parents is considered, the PPT will decide if there is evidence to support that the student has a disability that is adversely impacting the student's educational performance. The PPT may decide an evaluation is not needed and the general education program and services are appropriate.

If the PPT decides that the student needs an initial evaluation to determine eligibility for special education and related services, or in the case of a reevaluation, the student's continuing eligibility for special education, the PPT will 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 a student with a disability who requires special education and related services 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 that there is not enough data to determine if the student is a student with a disability who requires special education and related services, or there is not enough data to develop an IEP that offers the student FAPE, the PPT will design an evaluation that is comprehensive enough to examine all areas of suspected disability, determine eligibility for special education and/or support the development of an IEP. All initial evaluations must be in compliance with the requirements of 34 C.F.R. Section 300.304.

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

The district will also notify the student's 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 determined appropriate by the PPT or requested by the student's parents.

If the PPT decides that additional data are 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, the PPT, which includes the parent, will design the evaluation.

Parents must give written consent for the initial evaluation by signing the *Notice and Consent to Conduct an Initial Evaluation* - (ED625).

Parents must give written consent for the reevaluation by signing the *Notice and Consent to Conduct a Reevaluation* – (ED627). Please refer to chapter three for more specific information on “Written Notice, Prior Written Notice, and Parental Consent.” Under state regulations, if the parent does not provide written consent within ten school days, it will be interpreted that the parent has refused to give consent for the evaluation or reevaluation. The district may not evaluate or reevaluate the student without parental consent. The district will make reasonable efforts to secure parental consent for the initial evaluation or reevaluation, and all attempts will be documented using ED624, “*Documentation of Attempts to Seek Parent/Guardian Participation*”. For more specific information, see chapter three on “Written Notice, Prior Written Notice and Parental Consent.”

After the initial evaluation or reevaluation is completed, the PPT will make the determination of whether the student is a student with a disability. If the student has a disability, the PPT will then determine whether the student is in need of special education and related services. The PPT may determine that the student is a student with a disability who doesn't need special education and related services; however, the student may benefit from accommodations.

Upon request, the district will provide the parent with a copy of evaluation results that will be considered in determining the student's eligibility for special education and related services at least three school days prior to the PPT meeting where they will be discussed. Parents will be granted access to review the assessment protocols if requested, however in most cases, copyright laws prohibit supplying the parent with a copy of those materials. If the parents do not make this request, the district will provide them with a copy of the evaluation reports at, or prior to, the PPT meeting. This only applies to the initial determination of eligibility.

The district will notify parents of their right to request their child's evaluation reports. The district will either include this information in the letter of notice used to inform parents of their right to a meeting before the referral PPT meeting or will generate a separate letter or notice to accompany the invitation to the second PPT. The district will use the PPT summary page (Page 2 of the CT IEP document) to record this information. If the student is found eligible for special education, the development of the IEP for the student is based upon the student's present levels of academic achievement and functional performance. Implementation of the IEP based upon an initial referral is not

to exceed 45 school days from the date of referral or notice, or 60 school days if an IEP requires an out-of-district placement, 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 PPT meeting, where the evaluation or reevaluation is discussed, the district will give the parent prior written notice (PWN) before the district takes the proposed action(s). For more specific information, see chapter three on “Written Notice, Prior Written Notice and Parental Consent.”

### **Students Transferring Into the District**

To ensure prompt completion of all evaluations of students who are in the evaluation process and transfer from another school district to the district in the same school year, the district is responsible for coordination with the student’s prior district, as necessary and as expeditiously as possible to ensure prompt completion of the evaluation as planned.

If the records of a newly enrolled student indicate that the student has been identified as a student with a disability and requires special education and related services, the district, in consultation with parents, will provide FAPE including services comparable to those described on the student’s most recent IEP. A PPT meeting will be held at the earliest possible opportunity in order to review, adopt or revise and implement a new IEP. For students transferring from another state, the district may also conduct an evaluation if determined to be necessary and develop a new IEP, if appropriate.

### **Interpretation of Evaluation Data in Making Educational Decisions**

The PPT will interpret the evaluation data for the purpose of determining if a student has a disability requiring special education and related services, and the specific educational needs of the student. As part of an evaluation, the PPT will review and interpret existing evaluation data, including evaluation and information provided by the parents; current classroom-based, local or state assessments; classroom-based observations; and other observations by teachers and related service providers.

### **Reevaluation**

In addition to determining the student’s continuing eligibility for special education and related services and the student’s educational needs, the reevaluation provides information that will help the PPT determine if any additions or modifications to the special education and related services received by the child 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)**

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

In addition to evaluating student progress in the general education curriculum and on the annual goals and objectives, a student's IEP contains exit criteria to determine when or if a student is no longer eligible for special education. 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 annual goals and objectives or student performance on curriculum-based materials. Consent is required for any evaluation that is used to determine a student's eligibility for special education and related services.

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

An evaluation of a student includes the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent, that may assist in determining whether the student is a student with a disability and the content of the student's IEP, including information enabling the student to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).

The evaluation report will document the sources of all information. If an assessment is not conducted under standard conditions, the district will provide a description of the extent to which it varies from standard conditions in the evaluation report. In evaluating each student with a disability, the PPT will design an evaluation which is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the student's disability category. A student will be 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 will be used as the sole criterion to determine whether a student has a disability or to design an appropriate educational program for the student.

## **Assessment Tools and Strategies**

Tests, assessment materials, procedures and techniques used for the purpose of conducting an evaluation are chosen carefully by the PPT to ensure accurate results. They are selected and administered so as not to discriminate on a racial or cultural basis and include measures and activities that are culturally sensitive and support non-biased assessment practices and procedures. 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.

Individual assessment procedures will be administered according to instructions provided by the publishers, as applicable, and have been validated for the specific purpose for which they are used. The district will ensure that assessments and other evaluation materials used to assess the student are used for the purposes for which they are valid and reliable. They will be administered by trained and knowledgeable personnel who are appropriately certified or licensed. The district ensures that all components of the evaluation are technically sound instruments. These assessment tools and strategies provide relevant information that directly assists the PPT in determining the educational needs of the student.

The district will ensure that assessments and other evaluation materials used to assess the student are selected and administered so as not to be discriminatory on a racial or cultural basis. Assessments and other evaluation materials will be provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.

### **Functional Behavioral Assessment**

There are times when the PPT needs to consider additional behavioral data in order to make decisions regarding eligibility and/or programming for a student. At such times, a functional behavioral assessment (FBA) may be conducted. An FBA is an assessment for which signed parental consent is required.

An FBA is a team problem solving process designed to address a student's behavior, when that behavior impedes the learning of the student with a disability and/or the learning of his or her peers. It is intended to guide the PPT in making data-driven decisions about how to assist students, by looking beyond the observable behavior and focusing on the function or the "why" of the behavior. The IDEA does not specify techniques or strategies to be used when conducting such an assessment; however, there are key elements or steps common to most FBAs:

- Define the behavior in concrete measurable terms.

- Collect data on possible causes (e.g., Is the behavior linked to a skill deficit? Does the behavior occur under specific conditions? Can "triggers" be identified?).
- Analyze the data. Look for stimulus response patterns, predictors, maintaining consequences and possible "function."
- Formulate and test a hypothesis. Can a plausible explanation of the function of the behavior be determined? What are the conditions under which the behavior is most likely to occur? Determine setting, antecedent, behavior and consequence (A-B-C).
- As a tool for collecting data, the FBA assists in the investigation of the nature of specific behaviors or patterns of behavior to aid in identifying the student's underlying motivation. An FBA can be recommended by the PPT at any time in response to a concern regarding a student's behavior, as understanding the function behind a student's behavior is extremely helpful in the development or revision of a behavior intervention plan (BIP).

### **Behavior Intervention Plans**

The district will consider a BIP, based on an FBA, when developing an IEP if the student's behavior is interfering with his or her learning and/or the learning of others. If developed, the BIP will be reviewed at least annually and as often as necessary whenever any team member feels it is warranted.

The data collected during an FBA will be used to develop the BIP. The BIP will include the following key elements:

- positive supports and strategies;
- curriculum or program modifications;
- supplementary aids and supports;
- emphasis on skill development vs. controlling behavior;
- timelines for implementation and reassessment; specific information related to the change in behavior necessary in order to meet the goal or expectation;
- evaluation of consistency in implementation; and
- evaluation of changes in target behavior.

### **Language Factors to Consider in Evaluation**

Assessments, evaluation material, procedures and techniques used for an 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 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 will also include 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 will also be included. If the PPT determines a need, the district will use a language dominance proficiency assessment prior to an

evaluation. Materials and procedures used to assess a student with limited English proficiency will be selected and administered to ensure that they measure the extent to which the student has a disability and needs special education rather than measuring the student's English language skills.

### **Cultural Factors to Consider in Evaluation**

Recognizing that the cultural background of students and the perspectives of teachers, support specialists and other education professionals may affect decision-making in the determination and provision of appropriate services for students with disabilities is a crucial first step in effectively meeting the needs of students from culturally diverse backgrounds.

Such cultural distinctions may present unique challenges for education professionals, yet also offer cogent opportunities for open dialogue and collaborative planning in the development of comprehensive educational plans for students with disabilities.

The 2006 regulations on evaluation procedures requires that assessment and other evaluation materials utilized with culturally and linguistically diverse students be administered "in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally." Therefore, the "form" in which evaluation procedures are administered will vary. This language specifically allows for variance from standard testing procedures, when necessary, in order to appropriately ensure a fair and appropriate evaluation of a student. All members of the Planning and Placement team involved in the assessment of students from underrepresented groups will utilize great prudence in determining the appropriate methods utilized to assess student functioning. This admonition is replete throughout the literature including relevant national association position statements (NASP, APA, and best practice models, as well as, the Connecticut State Board of Education's (CSBE) **Position Statement on Culturally Responsive Education**.

According to the CSDE, the responsibilities of the school districts include employing "... highly qualified teachers who are knowledgeable about culturally responsive education content, methods and pedagogy, including culturally responsive diagnosis, measurement and assessment." The National Association of School Psychologists, in their position statement on School Psychologists' Involvement in Assessment state that they should "... consider, accommodate, and provide appropriate modifications for all aspects of diversity that might impact assessment results, such as ... cultural differences." Additionally, "school psychologists [should] interpret and report outcomes in a manner that communicates the limitations of their assessments, data, and interpretations.



## **Independent Educational Evaluation (IEE)**

Parents may request an independent educational evaluation (IEE) at public expense if the parent disagrees with an evaluation that was completed or obtained by the district. Upon parental request for an IEE, the district will provide parents with information about where an IEE may be obtained and the district's criteria applicable for IEEs. This applies equally to initial evaluations and reevaluations. A parent is not required to provide the district with an explanation for the request.

If a parent requests an IEE at public expense, the district will, without unnecessary delay, either:

1. Ensure that an IEE is provided at public expense; or
2. Request a due process hearing to show that its evaluation is appropriate, or that the evaluation obtained by the parent did not meet agency criteria. Agency criteria include the location of the evaluation and the qualifications of the examiner and must be the same as the criteria that the district uses when it initiates an evaluation.

These are the only two choices available to the district when a parent requests a publicly funded IEE. Several specific scenarios concerning IEE requests are set forth below:

- If the parent requests an IEE that includes a specific type of assessment that was not performed by the school district as part of the initial evaluation or reevaluation, the district does not have the option of conducting that specific type of evaluation before the parent is granted the IEE. As stated above, the district will either pay for the IEE or initiate a due process hearing to show that its evaluation is appropriate.
- A parent's right to an IEE may also be triggered when a district has refused to perform an evaluation as part of either an initial referral or a reevaluation (or the district has only performed a screening); in this situation the district will respond to the parent's request for an IEE in one of the two ways set forth above.
- In circumstances where the school district has determined through the PPT process that an initial evaluation is not needed because a disability is not suspected by the PPT, the parent has the right to obtain an IEE and the district has the same two options stated above: the district must either pay for the IEE or initiate a due process hearing to show that an evaluation is not necessary.
- If a parent requests an IEE in an area the school district deems unrelated or tangential to any possible, suspected disability, the district response is still limited to one of the two responses above.

- If a parent provides the district with the report of a completed IEE and requests payment or reimbursement for the cost of that IEE, the district will only reply with one of the two responses set forth above. This means if a parent obtains an IEE without informing the school district, the parent may still seek payment or reimbursement from the school district for the cost of the IEE.

There is no requirement that a request for an IEE be considered by a PPT. If the parent and school district agree to discuss the request at a PPT meeting, such meeting is permissible so long as convening the PPT meeting does not unnecessarily delay the district's decision to pay or request a hearing. There is no requirement that a school district obtain parental consent for an IEE.

The parent is entitled to request only one IEE at public expense each time the district conducts an evaluation with which the parent disagrees (or declines to conduct such evaluation).

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

Any time that a parent obtains an IEE at private expense, the district will consider the results of the evaluation in any decision made with respect to the provision of FAPE to the student 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**

The district may choose to use trial placement for diagnostic purposes as part of the initial evaluation or reevaluation of a child. This shall mean a structured program, of not more than forty school days duration, the purpose of which is to assess the needs of a child who is or may be a child with a disability, but for whom the evaluation or reevaluation is either inconclusive or the data insufficient to either determine the child's eligibility for special education and related services or develop or revise the child's individualized education program.

The following steps will be implemented when the PPT uses a trial placement for diagnostic purposes:

1. The PPT will specify, 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 members of the PPT designated through parental and PPT agreement, shall meet at least once every ten (10) school days with personnel working with the student to discuss the student's progress and

to revise, where necessary, the services being provided. These interim meetings may be waived by agreement of the PPT. The PPT will determine whether the student's educational school hours are divided between the trial placement and another program, or if the student will be educated in the diagnostic placement full time.

3. A diagnostic placement will be terminated as soon as the student's needs have been determined, but in any event no later than forty (40) school days after the trial placement begins.
4. Before the end of the trial placement, the PPT will reconvene to determine the student's eligibility for special education and related services, as appropriate, or review, revise or develop the student's IEP, as appropriate, based on the findings made during the trial placement, as well as other evaluative information regarding the student.

## **CHAPTER FIVE: PLANNING AND PLACEMENT TEAM**

## **PLANNING AND PLACEMENT TEAM (PPT)**

### **Background**

The IDEA refers to several groups of individuals who come together to make decisions regarding: a student's eligibility for special education; to plan and review evaluations; to develop, review or revise IEPs; to make decisions regarding the instructional site where students will receive their special education and related services; or determine matters related to discipline. The most commonly referred to group of individuals in the IDEA is the IEP team, the group of people 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 (PPT), to describe two very specific groups of individuals who have specific activities assigned to them:

- When used in the context of identifying and evaluating students who may be gifted or 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;
- When used in the context of providing a free appropriate public education (FAPE) to a student with a disability who is eligible under the IDEA, the PPT means the IEP team as the IEP team is constituted by the IDEA. The PPT in Connecticut is responsible for all of the activities necessary to ensure that students eligible under the IDEA receive a FAPE.

### **Purpose of the PPT Meeting**

A 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 that 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 a PPT meeting convened when a student with a disability may be subject to the school disciplinary code, the purpose of the PPT meeting will include, where appropriate, developing and reviewing functional behavior assessments (FBA), developing, reviewing or modifying behavioral intervention plans (BIP), conducting

manifestation determinations, and making interim alternative educational placement decisions.

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

### **Activities Prior to a PPT Meeting**

A PPT meeting is a formal gathering of specific individuals for the purpose of discussing a student’s eligibility for special education and related services or for developing, reviewing or revising a student’s IEP. A PPT meeting may be preceded by informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions. These conversations do not constitute a PPT meeting. Likewise, preparatory activities that district personnel engage in to develop a proposal or a response to a parent proposal are not PPT meetings. In preparation for a PPT meeting, the district expects that school staff will speak to each other as well as district administrators about the student and/or potential services for the student. The district further recognizes that parents may speak to school staff about the student. These discussions do not constitute predetermination or 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. All such determinations must be made within the context of a formal PPT meeting.

### **PPT Timelines**

The PPT will review the student’s IEP periodically, at least annually (i.e., within a period of 365 calendar days), to determine whether the goals for the student are being achieved. The PPT will revise 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.

The district will provide parents with notice, provided in the form of a “Notice of Planning and Placement Team Meeting” (ED 623) which advises the parents of the date, time and location of the meeting, the purpose of the meeting, who has been invited to the PPT meeting and their role at the meeting, and contact information if the parent has any questions about the meeting or wishes to reschedule the meeting. Notice of PPT meetings will be provided to the parent at least five (5) school days prior to the meeting. The district and Parent may agree to waive the five (5) day notice. The district will make every effort to schedule PPT meetings at mutually convenient times and locations for both 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 student'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 resources of the district;
    - While it is not required that the district representative is an administrator, it is expected that this person must be in a position 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 of the team 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; and
- As applicable, the paraprofessional assigned to the student.
  - The district recognizes that parents have the right to have the school paraprofessional assigned to their child, if any, be present at and participate in all portions of any PPT meeting at which their child's educational program is being developed, reviewed or revised. "Assigned to" means that the student's IEP includes support for the student that may be described as one-to-one, adult support, paraprofessional as needed, or other similar description. It also includes a classroom paraprofessional who has been assigned to a student's classroom due to the presence of the student in the classroom.

If the PPT meeting is to be recorded by anyone attending the meeting, the participants must be informed that the meeting is going to be recorded before recording begins. In order for the PPT to effectively address the needs of the student, the district will provide notice to the parent of additional inclusions to the PPT, whether they are persons or documents and asks that the parent reciprocate.

## **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, must include a representative from

the facility of the out-of-district placement (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 Memberships for Secondary Transition Considerations**

If the purpose of the meeting 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 must also be invited.

Representatives of outside agencies may only be invited with the consent of the parent or eligible student. If the student does not attend the PPT, the district will take steps to ensure that the student's preferences and interests are considered.

### **PPT Meeting Attendance**

In some instances, a PPT member may be excused from attending a PPT meeting or, his/her attendance may not be necessary. Before the PPT meeting, a parent must agree in writing to excuse a required PPT member from the meeting or the meeting will be conducted with the required membership. Instances in which a PPT member may be excused include:

- If the parent and the district agree in writing that the school member's attendance is not necessary, in whole or in part, because that member's area of the curriculum or related services 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 the meeting involves a modification to or discussion of the member's area of the curriculum or related service. In such a case, the school member of the PPT will submit written input to the parent and the district prior to the PPT meeting; and/or
- 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, will be given in writing on the *Planning and Placement Team (PPT) Attendance* form - ED 633 , provided to the parent by the district.

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 participants necessary to properly constitute the PPT.



## **Role of the General Education Teacher in the PPT**

The general education teacher(s) 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 (PBIS);
- 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 Participation in the PPT**

The parents of a child with a disability are integral and equal members of the team involved in determining whether their child is eligible for services and in developing the IEP.

The district will take steps to ensure that one or both of the student's parents are afforded the opportunity to participate in each meeting to develop, review or revise the IEP for their child. Steps to ensure parental participation will be taken in accordance with the following:

1. At least five days prior to the meeting, the district will advise parents in writing, in their native language, of their rights to be participating members of the PPT,
2. Such notice shall also specify the purpose, time and location of the meeting and who has been invited,
3. If neither parent can attend, the district will make reasonable effort to secure parental participation by other means such as conference calls or home visits.
4. A meeting may be conducted without a parent in attendance if the district is unable to secure parental attendance. In this event, the district will have a detailed record of its attempts to arrange parental participation using ED 624 - Documentation of Attempts to Seek Parent/Guardian Participation.
5. The district will take any and all actions necessary to ensure that the parents understand the proceedings at the meeting. This will include, but not be limited to, providing an interpreter for the parents who are in need of such services.

## **PPT Responsibilities in the Development of the IEP for Students with Disabilities**

In developing, reviewing and revising a student's IEP, the PPT will consider 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 assessments, as appropriate;
- The language and 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 and/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 are provided unless the PPT determines that either one of these is not 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 has been conducted. This evaluation must also include an assessment of the student's future needs for the use of and instruction in Braille;
- 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 – ED638. 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 PPT will include a statement to that effect in the student's 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 will 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. The district recognizes that is the district's responsibility to monitor the implementation of a student's IEP and the provision of services to a student even if services are provided by a contracted agency. If a contracted agency fails to provide the services described in the IEP, the district will convene a PPT to identify alternative strategies to meet the objectives for the student set out in the IEP and consider the need for compensatory services.

For further information on the development of a student's IEP, please refer to the Chapter titled "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 peers without disabilities, 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 disciplinary 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.

### **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 our 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").

It is the responsibility of the PPT to determine the appropriate IAES for the student. See chapter 9, "Discipline" for further discussion of these topics.

### **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.

The district will notify parents in writing that a referral to the PPT has been made to determine a child's identification as either gifted or 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 will process the referral for an evaluation, and review existing data to determine if the child may be eligible. If the PPT determines that sufficient information exists to determine eligibility, further evaluation is not necessary.

The district will notify parents in writing 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**

## INDIVIDUALIZED EDUCATION PROGRAM (IEP)

### Background

The district provides a free appropriate public education (FAPE) in the least restrictive environment (LRE) to all students with disabilities age three (3) through twenty-one (21) who require special education and related services, and who have not graduated with a regular high school diploma or exceeded the age of eligibility, including students who are advancing from grade to grade. For eligible students who turn twenty-one (21) during the academic year, the district recognizes that the student is eligible to receive services through the end of that district's regular school year. For students with a disability who have been suspended or expelled from school, there are very specific requirements for providing FAPE. Please see the chapter 9, "**Discipline**", for these requirements.

In order to provide FAPE, an IEP will be developed for each child who is determined to be eligible for special education and related services. This includes students placed in, or referred to, a private school or facility by the district. Special education and related services will be provided in accordance with each student's IEP.

The district will implement an appropriate IEP within 45 school days of the date of an initial referral (exclusive of the time required to obtain parental consent when consent is required) for in-district placements during the school year, and 60 school days (exclusive of time required to obtain parental consent when consent is required), for out-of-district or private school placements. An IEP will be in effect 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. At the beginning of each school year, an IEP will be in effect for each student with a disability who requires special education and related services.

### Role of the PPT in Developing the IEP

The district develops IEPs for each student requiring special education and related services. Every decision regarding the development of an IEP is made through a PPT, except when the district and the parents or eligible student agree to address through the IEP amendment process. For further information on the PPT, refer to the chapter 5, "***Planning and Placement Team***".

### IEP Components

Specific, detailed information about the IEP is contained in the *IEP Manual and Forms* published on the CSDE Web site.

The district will use the **IEP Document** developed by the CSDE that has numerous legally required components that help guide the PPT in the development, review, revision and

implementation of the student's program (ED620). Some of these various components are listed and described in this section. However, for each student requiring an IEP, the district will complete all sections of the IEP document or, where appropriate, indicate that a particular section is not applicable to the student.

The CSDE acknowledges that the current IEP document developed by the BSE contains IEP components required by IDEA as well as supplementary sections for CSDE use. The additional items have been included to facilitate compliance, monitoring and data collection. The term **IEP Document** refers to the entire 12-page form currently in use, containing both the IEP and the supplementary items.

## **Initial Pages of the IEP Document**

### **Page 1 -**

The cover page of the IEP document will include, among other information:

- 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 PPT meeting.

### **Page 2 –**

Page 2 of the IEP document will provide a list of PPT recommendations and a summary of the PPT meeting. PPT meeting summaries are not required, but are considered highly valuable in documenting how the PPT reached its decisions regarding the student's identification, evaluation, program or provision of FAPE. The district does not intend for the PPT meeting summary to be a transcript of the PPT discussions. Rather, it may be used to make a record of key elements of the PPT meeting.

At the bottom of page 2, the PPT will document that parents have been provided notification of the Laws Relating to Physical Restraint and Seclusion in Public Schools.

## **Prior Written Notice**

Page 3 of the IEP document is titled Prior Written Notice (PWN) and serves to notify parents and eligible students, in writing, ten school days before the district takes certain actions. PWN will be 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.

PWN will contain 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 other options the PPT considered and the reasons why those options were rejected;
- Description of each evaluation procedure, assessment, record, or report the district 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 Chapter 3 "Written Notice, Prior Written Notice (PWN) and Parental Consent".

### **Present Levels of Academic Achievement and Functional Performance**

Pages 4 and 5 of the IEP document, the Present Levels of Academic Achievement and Functional Performance section, include descriptions of how a student is currently performing in academic, social/emotional/behavioral, vocational and adaptive areas. In addition, this section includes a description of the student's strengths, concerns and needs that require specialized instruction, and a description of how the student's disability impacts his/her involvement and progress in the general education curriculum or appropriate preschool activities. The PPT will ensure that parent and student input on the student's academic achievement and functional performance is sought as part of the planning process. Parent and student input and concerns will be documented at the top of page 4 of the IEP document. If a parent or eligible student do not have input or concerns, the district will make a notation to that effect be included in this section of the student's IEP in order to document that the parent or eligible student were afforded the opportunity to have their input and concerns considered by the PPT.

The student's present levels of academic achievement and functional performance provide the team with critical information on which many of the decisions regarding the IEP are based.

### **Transition Planning**

Page 6 of the IEP document is related to transition planning, as well as transition-related goals and objectives. This page becomes an integral part of the IEP that is in effect when the child turns 16. The PPT should address the student's transition needs 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 results-driven and coordinated set of activities for a student with a disability, designed to facilitate the student's movement from school to post-school activities including:

- Postsecondary education;
- Vocational education;
- Integrated employment (including supported employment);
- Continuing and adult education;
- Adult services [e.g., Department of Rehabilitation Services (DORS) including the Bureau of Rehabilitation Services (BRS) and Bureau of Education and Services for the Blind (BESB); Department of Developmental Services (DDS); Department of Mental Health and Addiction Services (DMHAS); Department of Social Services (DSS)];
- 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 vocational evaluation.

When appropriate, and with the consent of the parent or eligible student, the district will invite a representative of any participating agency that can provide information, services or supporting the transition services identified by the PPT. If a participating agency is engaged to provide the transition services described in the IEP, but fails to do so effectively, the district will reconvene the PPT to identify alternate strategies to meet the transition needs identified in the IEP.

Note regarding children with disabilities who require special education and related services and 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).

At least one year prior to reaching age 18, the district will inform the student of his/her rights under IDEA that will transfer to him/her at age 18. Documentation of the status of this notification and the transfer of rights will be recorded on page 6 of the student's IEP. The district will annually provide parents with the Transition Bill of Rights at the PPT

of each student receiving special education services in grades six to twelve and document this on page 10 of the IEP.

### **Measurable Annual Goals and Short-Term Objectives**

Page 7 of the IEP document provides the student's measurable annual goals and short-term objectives, which align with the present levels of academic achievement and functional performance (pages 4 and 5) and describe expected learning outcomes for the student. The specified goals and objectives will also align with grade level Connecticut Core Standards (CCS).

Annual goals establish the outcomes a child can be expected to achieve during the term of the IEP and enable him/her to participate and progress, to the extent appropriate, in the general curriculum. Short-term objectives describe intermediate and measurable outcomes that may be achieved between the student's current performance level and the achievement of the annual goal. In order to determine on a regular basis whether the student's short-term objectives are achieved, the district will include 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. For a student of transition age, the short-term objectives for all transition goals (i.e., postsecondary education/training; employment; and independent living skills) will also contain the transition services/activities that will enable the student to meet his/her annual goals.

### **Program Modifications/Accommodations, Nonacademic, Extracurricular**

Page 8 of the IEP document provides a statement of the program accommodations, modifications, and supports to allow the student access to the general education curriculum. For each support, the PPT will document where, when, and how often that support is to be implemented. In completing this page, the PPT will consider and document the program accommodations and 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 education curriculum, to the extent appropriate for the student;
- participates in extracurricular and other non-academic activities, as determined appropriate by the PPT;
- utilizes assistive technology as appropriate; and
- is educated and participates with students with and without disabilities, to the degree determined appropriate by the PPT.

When completing Page 8, please note:

- Accommodations are changes to instruction (such as materials, content enhancements, and tasks) that change how a student learns. Accommodations may include assistive technology devices and services. A continuum of accommodations should be used and evaluated for their effectiveness before a decision to implement modifications is made.
- Modifications are changes to the content, which affect what the student learns. Modifications include changes in the content standards or the performance expectations applied to students.

### **Assessment Accommodations**

Page 9 of the IEP document includes information regarding in-state and district-wide assessments, as well as appropriate accommodations for the student in regard to the same, as determined by the PPT. Students with disabilities must be included in state-wide assessments.

The PPT will reference the Smarter Balanced Assessment Consortium (SBAC) Smarter Balanced Usability Guidelines to determine what accommodations are appropriate and permissible, as well as the conditions under which such accommodations may be used.

It is also the PPT's responsibility to determine if a student will be assessed with an alternate assessment. Only students with significant cognitive impairments may participate in an alternate assessment – the Connecticut Alternate Assessment (CTAA). If the PPT determines that a student should not participate, even with accommodations, in the standard administration of a state or district-wide assessment of achievement, or will not participate in any part of a state or district-wide assessment, the IEP will include a statement explaining why that assessment is not appropriate for the student, as well as how the student will be assessed.

In addition to completing page 9 of the IEP Document, the PPT will complete the Test Supports/Accommodations Form.

### **Special Factors, Progress Reporting, Exit Criteria**

#### **Special Factors**

Page 10 of the IEP document includes special factors that the PPT will consider when developing a student's IEP: (1) behavioral strategies and interventions and supports for students with behavioral concerns, including a functional behavioral assessment and a behavior intervention plan; (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 (ED638) which is required for students who are Deaf or Hard of Hearing. The district recognizes that the requirement

of a language and communication plan is not only for students whose primary disability is *Hearing Impairment (Deaf or Hard of Hearing)*, but also for any student who is documented as being deaf or hard of hearing. Such language and communication plan will be attached to the student's IEP.

### **Progress Reporting**

Page 10 of the IEP document includes information regarding when parents will be periodically informed of the student's progress toward meeting the annual IEP goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the IEP year. The district will inform parents of students with disabilities of such progress at least as often as progress reporting is provided for parents of students without disabilities. In addition to completing this section on page 10, specific progress reporting dates must be recorded on page 7 of the student's IEP document.

### **Exit Criteria**

Page 10 of the IEP document also includes "Exit criteria" information applicable to every special education student, not just to students being exited. "Exit criteria" means the anticipated criteria that will be used to determine when a student will no longer require special education services.

### **Special Education, Related Services, Regular Education**

Page 11 of the IEP document includes information regarding the delivery of special education and related services, including:

- 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.

### **Description of Participation in General Education**

Page 11 of the IEP document includes space for a brief statement of the extent of the student's involvement in the general education curriculum (e.g., "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 his/her school day, a justification for that removal must be recorded on page 11 of the IEP document.

Additionally, the IEP document 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.

## **Other Page 11 Considerations:**

### **Nonacademic and Extracurricular Activities/Services**

The district will take 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 the district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, in such manner as is necessary to afford students with disabilities an equal opportunity for participation in those services and activities.

### **Transportation**

The IEP document contains information about the type of transportation to be provided to the student. All students requiring special education and related services are entitled to participate in the transportation services available to all students in the district. The PPT will determine if the regular transportation provided to all students is appropriate or if specialized transportation must be provided. If specialized transportation is required, transportation is considered a related service for the student and will be specified on page 11 of student's IEP document.

Under state law, total travel time may not exceed one hour each way to and from a special education facility except with written parental consent. All decisions relating to travel time will 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 time limit, written parental consent will be obtained prior to implementing the transportation service.

Connecticut regulations require that all operators and vehicles used to provide transportation for students with an IEP must comply with statutes/regulations of the Connecticut Department of Motor Vehicles (DMV). The district will adhere to the DMV student transportation statutes and regulations as well as Connecticut special education regulations, RSCA Section 10-76d-19, in the transportation of students with disabilities, including students with disabilities participating in community-based programs.

### **Physical Education**

The IEP document provides 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 document. Students enrolled in a separate facility will receive appropriate physical education services, including specially designed services, if necessary.

The PPT will 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 APE, the services will be specified in the student's IEP document.

### **Assistive Technology**

The IEP document provides information about whether the student requires Assistive Technology (AT). AT devices, services (or both), are made available to a student with a disability to assist the student to benefit from special education, and as such, are considered related services.

In addition to being indicated on page 11, AT needs will be described further on pages 4/5, 7, and 8, as appropriate.

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

### **Vocational Education**

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

### **Length of School Day and Year**

The IEP document will specify the length of the school day and school year. 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 document. The PPT will determine whether an individual child requires extended school day or extended school year (ESY) services.

### **Extended School Year**

(ESY) services are available as necessary to provide FAPE. The district 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. The district does not limit ESY services to particular disability categories, and does not unilaterally limit the

type, amount, or duration of those services. The district will ensure that consideration of a child's eligibility for, and the content, duration and location of the child's ESY services is determined, so as to allow the parent sufficient time to challenge the determination of eligibility, the program, or the placement for the child before the beginning of the ESY services unless it is clearly not feasible to do so. The district will offer all special education services to students in the least restrictive environment (LRE) during both school year and ESY programs.

### **Summary of Performance (SOP)**

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, the district will provide the student with a summary of his/her academic achievement and functional performance, which will include recommendations on how to assist the student in meeting his/her postsecondary goals. This information is included in the Summary of Performance (ED635) and is not a formal part of the IEP, though it is required under IDEA.

At the bottom of page 6 of the IEP document, the district will provide the date that the SOP will be completed and provided to the student.

### **Other IEP Considerations:**

#### **Agreement to Change an IEP without Convening a PPT Meeting**

The district and the parent of a child with a disability may agree to make a change to the IEP through the use of an amendment, without convening a formal PPT meeting. In such cases, the district and the parent will complete Form ED634, Agreement to Change an Individualized Education Program Without Convening a Planning and Placement Team Meeting.

The IEP may be amended (without redrafting the entire IEP) by:

- completing Form ED634;
- revising pages 1 and 2 of the IEP;
- completing the Prior Written Notice page; and
- completing/revising those pages of the IEP that will be different as a result of the changes made.

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

#### **IEP Access**

The student's IEP will be made available by the district to each general education teacher, special education teacher, related services provider and other service provider

who is responsible for its implementation. Each general education teacher, special education teacher, related services provider and other service provider will be 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 will be given to parents at no cost within five school days after the PPT meeting. Remember that 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 2, Confidentiality for more specific information about student records.



## **CHAPTER SEVEN: LEAST RESTRICTIVE ENVIRONMENT**

## **LEAST RESTRICTIVE ENVIRONMENT (LRE)**

### **Background**

Each student who is eligible for special education is entitled, under state and federal law, to receive FAPE in the LRE.

As previously discussed, the delivery of a FAPE requires that special education and related services are provided at public expense (i.e., at no cost to parents), under public supervision and direction, meet the standards of the IDEA and the CSDE, include appropriate preschool, elementary and secondary education and are provided in conformity with an IEP that meets IDEA requirements. The district will make FAPE available to all students residing in the district from age three through the end of the school year during which the student turns 21. This includes students who have been suspended or expelled from school.

The LRE requirements under federal and state law require the district to ensure 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 general educational environment will occur only when the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

### **Continuum of Alternative Placements**

The district will ensure that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services. These alternative placements will be available to the extent necessary in order to implement the IEP. This continuum of placements will include instruction in general education classes, special classes, special schools, home-bound instruction and instruction in hospitals and institutions. In addition, supplementary services (such as a resource room or itinerant instruction) will be provided, as appropriate.

### **Determining Placement**

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

The placement of each student with a disability will be determined, at least annually, based upon the needs of the student. That is, the PPT will consider what the LRE is in order for the student to receive FAPE. The goals and objectives, based on the student's present levels of academic achievement and functional performance, will be 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 IEP, the PPT will consider any potential harmful effect on the student or on the quality of services the student needs. Each 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, as well as a justification for removal from regular education. Each student requiring special education and related services will be educated in the school that he or she would attend if he or she did not require special education and related services, unless the PPT determines that the student requires another placement in order to receive FAPE in the LRE.

A PPT comprised of those directly involved with the student, knowledgeable of the age-appropriate grade level curriculum, and with specific expertise regarding the student's strengths and needs, will analyze the match or gaps between the student's current level of performance and the task/setting demands of the general education classroom and the essential grade level standards in terms of what all students need to know and be able to do, appropriate to the student's age. Based on the analysis, the PPT selects the appropriate instructional accommodations that will assist the student in making progress in the general education curriculum. If student's needs cannot be addressed solely through accommodations, the PPT will select appropriate curriculum modifications that are based on student needs and will allow the student to make progress in the general education curriculum. IEP goals and objectives/benchmarks aligned with the general education curriculum will be developed in consideration of both the student's present level of performance and the appropriate grade level standards. The PPT will determine the levels and types of supports and services needed to assist the student in general education curriculum. The district recognizes that general education placement is the first choice option considered as part of the IEP development. The IEP will be implemented as written. Changes in an IEP will be based on continuous monitoring of student progress and the examination of the degree of implementation integrity. Regardless of placement, the district will provide access to the general education curriculum. Based on the placement determination, time with non-disabled peers (TWNDP) must be calculated.

### **Calculating TWNDP in elementary and secondary educational settings**

For the purpose of determining time that a student with disabilities is being educated with his/her nondisabled peers in an elementary or secondary setting, the district will apply the following standards.

The student is being educated with nondisabled peers if:

- The student with disabilities is being educated in a general education classroom that is taught by a certified general education teacher of record who is

considered highly qualified in the content or subject area in which instruction is being provided;

- The student with disabilities is being educated in a co-taught classroom with at least fifty percent of the students on the class roster who are not students with disabilities and the class is co-taught by a general educator and a special educator or other licensed certified staff.

The district also considers the time that a student with disabilities spends in hallways and during lunch, recess, and study periods as time with nondisabled peers unless the student spends time in hallways or during lunch, recess, and study periods where he/she has been segregated from nondisabled peers.

### **Calculating TWNDP in work-based learning experiences/community-based settings**

For the purpose of determining time that a student with disabilities is being educated with his/her nondisabled peers in a work-based learning or community-based work setting, the district will apply the following standards.

The student is being educated with nondisabled peers if:

- The work-based learning placement occurs in an inclusive setting where individuals with and without disabilities are present and typically interact with each other or with customers without disabilities;
- The work-based learning experience is one in which any student could potentially work;
- The work-based learning placement is not one that has been designed just for students with disabilities; and
- The community-based work experience and/or skills training program is part of the student's educational program (i.e., not just an after-school job).

The LRE Checklist (ED632) will be completed and attached to the IEP if the student is to be removed from the regular education environment for 60% or more of the time.

### **Parental Involvement**

The district will take steps to ensure that one or both of the parents or eligible student 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 what constitutes the student's LRE. If the district is unable to obtain parent participation in a PPT meeting where placement is discussed, the district will have documentation of the attempts to encourage the presence of the parents at the PPT meeting using ED624, Documentation of Attempts to Seek Parent/Guardian Participation. If the district is unable to obtain parent participation in a placement decision, the PPT may make a placement decision without the parent being present at the PPT meeting.

The district will presume that divorced parents have equal rights under state and federal law to participate in all aspects of the 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 educational record.

The district will make reasonable efforts to ensure that parents understand, and are able to participate in any discussions relating to the educational placement for the 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**

The district will ensure 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 that are available to nondisabled students will be 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 will determine 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 will consider what supports the student may need to try out for a nonacademic or extracurricular activity. The PPT does not have the authority to modify criteria for participation, but will provide the student with the supports necessary to have an equal opportunity to meet such criteria, and if the criteria are met, to enable the student to participate.

### **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, will be the responsibility of the school district. Once the PPT determines that a residential placement is appropriate in order for the student to receive a free appropriate public education (FAPE), the school district will assume the cost of placement.

### **Homebound or Hospital Instruction**

#### **Students unable to attend school for medical reasons**

The district will provide 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. the student will be absent from school for at least ten 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.

The district will ensure that instruction will begin no later than the eleventh 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 they are absent, the student's treating physician shall determine when instruction should begin and shall inform the district of the same.

### **Special Education Students**

If a student eligible for special education and related services cannot attend school due to a verified medical reason and qualifies for homebound instruction, the PPT will modify, 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 for promotion or graduation.

Instruction will be 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 ten 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 town such as the town library, taking into consideration the student's medical condition.

### **Students with Disabilities who are medically complex**

*"Medically complex"* students are students who have a serious, ongoing illness or chronic condition (for at least a year) and require 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 will 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 with Disabilities who are Pregnant/Gave birth**

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

- 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;
- the student is unable to attend school due to a verified medical reason,
- the student's diagnosis with supporting documentation,
- the student will be absent from school for at least ten 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
- the expected date the student will be able to return to school.

Instruction will begin no later than the eleventh 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 they are absent, the student's treating physician shall determine when instruction should begin and shall notify the district of the same.

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 twelve.

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 town such as the town library, taking into consideration the student's medical condition.

### **Restraint and Seclusion**

Neither the district nor its representatives will use involuntary physical restraint on a student at risk or involuntarily place a student at risk in seclusion, except for an emergency intervention to prevent immediate or imminent injury to the person or to others. This mandate applies to public school students (Grades K-12) identified as requiring special education and those students in the process of evaluation to determine special education eligibility (ages 2-21).

Seclusion will only be used if this action is specified in a student's IEP and if other less restrictive, positive behavior intervention strategies appropriate to the behavior exhibited by the student have been implemented but were ineffective. The district will maintain a district training plan to train all school professionals, paraprofessionals and administrators around the prevention of the use of restraint and seclusion and how to appropriately intervene when necessary. Further, the district maintains building level crisis intervention teams, does not use seclusion as an intervention, except as included in a student's IEP, and does not use prone restraint.

If the student's PPT determines, based upon the results of a functional assessment of behavior and other information determined relevant by the PPT, that use of seclusion is an appropriate behavioral intervention strategy, the PPT will include the assessment data and other relevant information in the student's IEP as a basis upon which the decision was made to include the use of seclusion as a behavioral intervention strategy. In such case, the IEP will specify:

- a. the location of seclusion, which may be multiple locations within a school building
- b. the maximum length of any periods of seclusion,
- c. the number of times during a single day that the student may be placed in seclusion,
- d. the frequency of monitoring required for the student while in seclusion,



- e. that the student's educational team, including the parent, will reconvene after a student has been repeatedly restrained or secluded within twenty school days, and
- f. any other relevant matter agreed to by the PPT taking into consideration the age, disability and behaviors of the student that might subject the student to the use of seclusion.

In the event the parent disagrees with the use of seclusion in the student's IEP, the parent may file for due process.

Any period of seclusion will be limited to that time necessary to allow the student to compose him or herself and return to the educational environment, and will not exceed one hour. If the person at risk is presenting dangerous behaviors after this period, the use of seclusion may be continued with written authorization of the building principal or designee.

In the case where transportation of the student is necessary, the written authorization to continue the use of seclusion is not required if the student is presenting dangerous behaviors.

The PPT will, at least annually, review the continued use of seclusion as a behavior intervention strategy for the student. When the use of seclusion as a behavior intervention strategy is repeated more than two times in any school quarter, the PPT will convene to review the use of seclusion as a behavior intervention strategy, may consider additional assessments to address the student's behaviors, and may revise the student's IEP, as appropriate.

The PPT will inquire as to whether there are any known medical or psychological conditions that a licensed health care provider has indicated would be directly and adversely impacted by the use of seclusion as a behavior intervention strategy. The student will not be placed in seclusion if he or she is known to have any such condition. Any written statement provided by a licensed health care provider will be included in the student's educational record. For the purposes of this section, a "licensed health care provider" means a legally qualified practitioner of medicine, an advanced practice registered nurse, a registered nurse licensed pursuant to chapter 378 of the Connecticut General Statutes, or a physician assistant licensed pursuant to chapter 370 of the Connecticut General Statutes.

A student in seclusion will be monitored as described in the student's IEP by the district or its representatives who are specifically trained in physical management, physical restraint and seclusion procedures including, but not limited to, training to recognize health and safety issues for students placed in seclusion to ensure the safe use of seclusion as a behavior intervention strategy.

The district recognizes that any room used for the seclusion of a student must:

- A. be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;
- B. have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which it is located;
- C. be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which it is located;
- D. be free of any object that poses a danger to the student who is being placed in the room;
- E. have a door with a lock only if that lock is equipped with a device that automatically disengages the lock in case of an emergency. The locking mechanism of any room designated for use as a seclusion room will be a pressure sensitive plate. Any latching or securing of the door, whether by mechanical means or by being held closed, shall be able to be removed in the case of an emergency; and
- F. have an unbreakable observation window located in a wall or door to permit frequent visual monitoring of the student and any staff in the room and for the student to have a clear line of sight. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a student.

If a student is physically restrained or placed in seclusion, an attempt will be made to notify the student's parent on the day of, or within twenty-four hours after, physical restraint or seclusion is used with the student as an emergency intervention to prevent immediate or imminent injury to the student or others. Notification will be made by phone, e-mail or other method which may include, but is not limited to, sending a note home with the student. The parent of the student, regardless of whether he or she received such notification, will be sent a copy of the incident report related to the physical restraint or seclusion no later than two school days after the emergency.

Where seclusion is included in a student's IEP, the PPT and the parents will determine a timeframe and manner of notification of each incident of seclusion.

A plain language notice to advise parents of the laws and regulations concerning the emergency use of physical restraint or seclusion or the use of seclusion as a behavioral intervention strategy in a student's IEP has been developed by the CSDE. The district will provide parents with a copy of the state developed Parental Notification of the Laws Relating to Physical Restraint and Seclusion in Public Schools at the first PPT meeting following their child's initial referral for special education and at the first PPT meeting where the use of seclusion as a behavioral intervention is included in their child's IEP. It will be noted on page 2 of the student's IEP that a copy of the Parental Notification of the Laws Relating to Physical Restraint and Seclusion in Public Schools was provided to the parents and on what date.

The recording and reporting of instances of physical restraint or seclusion will be done on the standardized incident report developed by the CSDE. Such reports will be completed no later than the school day following the incident.

**CHAPTER EIGHT: STUDENTS PARTICIPATING IN PRIVATE /  
RELIGIOUS SCHOOLS**

## **STUDENTS PARTICIPATING IN PRIVATE, INCLUDING RELIGIOUS, SCHOOLS OR FACILITIES**

### **Background**

Students eligible for special education may attend in private, including religious, schools or facilities for several different reasons. 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 unilaterally place a student in a private school or facility when there is a dispute regarding the issue of whether the district has provided the student a free appropriate public education. Finally, the district may place a student in a private school or facility in order to provide a free appropriate public education (FAPE) to that student. The district has varying responsibilities for students eligible for special education placed in private, including religious, schools or facilities.

Note: For purposes of this section, the terms “private schools”, “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 the district.

### **Child Find**

“Child Find” for students who reside in the district, but who attend schools outside of the district is the responsibility of the school district where the private, including religious, school or facility is located.

The district is responsible for locating, identifying and evaluating all students who are suspected of having a disability and who are enrolled by their parents in private, including religious schools or facilities, located within the district. This would include students unilaterally placed by their parents in a private school in Bridgeport when the provision of FAPE is at issue. 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.

IDEA regulations require that the district maintain in its records, and provide to the state, the number of parentally placed private school children evaluated, the number of such students determined to be children with disabilities under Part B of the IDEA, and the number of children who are provided equitable services.

### **Equitable Services and Services Plans**

Any student with a disability who is attending a private, including religious, school or facility located in the district and is eligible for special education and related services

may be considered for a services plan from the district regardless of the fact that the student may not reside within the district. 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 the district (or elsewhere) by the district in order to receive FAPE is not entitled to a services plan because FAPE is being provided by the district in a private school and the student's IEP is being implemented.

Students with disabilities in private schools located in the district may receive a different amount of services than students with disabilities enrolled in the public schools. The district does not have the responsibility to offer FAPE to students who attend private schools in the district.

Under IDEA, the district has the responsibility to provide parentally placed private school children with disabilities, who attend private school in the district, 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 the district. 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 the district 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 students eligible under the IDEA is consultation with parents and staff at the private schools in district. To ensure timely and meaningful consultation, the district will consult with representatives of private schools located in the district, as well as

representatives of parentally placed private school students regarding key issues relating to the equitable participation of eligible private school children with disabilities. Effective consultation provides a genuine opportunity for all parties to express their views and to have those views considered by the district 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 the district, 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; and
- If the district 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.

The district will maintain documentation that the consultation has occurred, including a written affirmation signed by representatives of the participating private school(s). This will reflect those officials have participated in timely and meaningful consultation that has continued throughout the year. The documentation must be submitted to the BSE as part of the district's IDEA grant.

After consulting with appropriate representatives of eligible private school students, the district 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**

If transportation is necessary for the private school student with a disability to benefit from or participate in the services provided by the district through the services plan, transportation costs may be included in calculating the amount the district must spend on providing special education and related services.

## **Use of Funding**

The district 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.

The district 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.

The district 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; and
- To otherwise benefit the private school or meet the needs of the private school.

The district 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**

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

The district 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. However, such due process request may only concern the issue of whether the district complied with 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. A complaint is filed with the CSDE, which has a complaint investigation process and procedures as required by the IDEA.

## CHAPTER NINE: DISCIPLINE

## **DISCIPLINE**

### **Overview**

Students with disabilities, like their nondisabled peers, must abide by the student conduct policies adopted by the Board of Education.

Students with disabilities are subject to the full array of disciplinary actions that may be taken as described in the various policies of the Board of Education, including suspension or expulsion from school. The district follows 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**

Note: the term "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.

Suspension is restricted to in-school suspension, 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 will notify parents of any exclusion from school privileges exceeding 90 minutes within 24 hours of the time the student was excluded.

All students who are suspended will 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**

#### **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 utilize 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. 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.

The district will 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. "Unique circumstances" include consideration of factors such as the student's disciplinary history, ability to understand consequences, expression of remorse, and the supports provided to a student with a disability prior to violation of the student code of conduct (OSEP Q&A on Discipline Procedures, Question B - Revised June 2009).

When a student with a disability engages in behavior which 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. 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 causes a change in placement and requires that additional procedures be implemented (e.g., a manifestation determination) before the discipline can be imposed;

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 and requires that additional procedures be implemented (e.g., a manifestation determination) before the discipline can be imposed.

### **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 from school for more than 90 minutes. Partial day exclusions will 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 may also be considered a suspension if the student receives transportation as a related service. 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.

If the student is receiving regular transportation, meaning transportation is not a related service listed in the IEP, and the student has behavior issues which result in multiple suspensions from bus transportation, the PPT will 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 (ISS), 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 ISS is counted toward days of suspension, the district will 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 ISS.

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 ISS will be counted toward days of suspension.

Each situation will be judged individually, and the student's time with nondisabled peers assessed to determine if the time with nondisabled peers during periods of ISS is comparable to the time the student spends with nondisabled peers during a typical school day. Please refer to the guidelines published by the CSDE "Guidelines for In-School and Out-of-School Suspensions".

### **Manifestation Determination: Role of the PPT, Timeline**

If a change in placement does occur due to a disciplinary incident, the PPT will convene to conduct a Manifestation Determination to review the relationship of the student's behavior to the student's disability. The manifestation determination will 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 and, in such case, will provide educational services. 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 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 will 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 will 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 documented on page 10 and attached to the IEP; 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 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 an FBA and develop a BIP and modifications to behavioral goals and objectives in the IEP designed to address the behavior violation so that it does not recur.

Alternative educational opportunities to students eligible for special education who are expelled will be provided.

The PPT will 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 will notify the parents not later than the date on which the decision to remove the student to an IAES or other change of placement is made, and provide the parents with a copy of the procedural safeguards notice.

**Referral To and Action by Law Enforcement and 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 address 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). 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 IAES without regard to whether the behavior is a manifestation of the student's disability**

School personnel may remove a student 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 will select 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 will 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 Connecticut law and Board 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 and 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 and 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 a school;
- Other students from school were involved, or there was 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 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:

- By the district to remove the student to an IAES because the district believes that keeping the student in the current school program is substantially likely to result in injury to the student or to others;
- By the district 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 the district believes that maintaining the student in the current school program is substantially likely to result in injury to the student or to others;
- 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;

- 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 days in a school year without the school following the proper steps;
- By the parent where the parent does not agree with the IAES placement; or
- By the parent where the parent does not agree that the student's behavior was not a manifestation of the student's disability.

During the expedited hearing, the student will 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 district 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 would be deemed to have knowledge that a student is a student with a disability if before the behavior that precipitated the disciplinary action occurred:

- The parent of the student submitted to the 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 can be provided orally if the parent does not know how to write or if they have a disability that prevents a written statement;
- 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
- 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 applied to 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 period in which the student is subject to the disciplinary measures, the evaluation must be conducted 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.

# **CHILD FIND PROCEDURES BRIDGEPORT PUBLIC SCHOOLS**

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# 1 ❖ CHILD FIND PROCEDURES

## INTRODUCTION

Federal and state laws and regulations require that Bridgeport Public Schools provide a free appropriate public education (FAPE) to all children (ages 3-21), who are residents of the District. The District is required to locate, identify and evaluate all children with disabilities residing in the District to determine eligibility for special education and related services. All children who are suspected of having a disability and who are in need of special education are part of the child find process in our District.

Child Find applies to children birth through 21 years of age, suspected of having a disability who reside within the District, regardless of the severity of the disability. This includes:

1. Children enrolled in public schools, including charter schools and correspondence programs; private or parochial schools; and educational programs in correctional or youth detention facilities.
2. Highly mobile children with disabilities (such as migrant and homeless children).
3. Children who have been suspended or expelled.
4. Children who are educated in their homes by a parent or legal guardian.
5. Children who are suspected of being a child with a disability and in need of special education, even though they are advancing from grade to grade.
6. Students going to school in private schools located in Bridgeport even though they may reside in another town

The procedures outlined herein are provided so that District staff will take appropriate steps to make certain that any children in need of special services are located, identified, and evaluated for eligibility for special education and related services. In addition, the District must locate, identify and evaluate students (Kindergarten through Grade 12) who may be gifted or talented.

The authority for these procedures is found in state law (Regs. Conn. Agencies 10-76d-1 et seq.) and the Individuals with Disabilities Education Act ("IDEA"), and through adoption of these procedures by the Superintendent. These procedures are binding on all staff and must be adhered to.

## OVERVIEW

In order to fulfill the District's child find obligations, the District's Director of Specialized Instruction annually supervises the conduct of the following activities:

1. Public Awareness
2. Screening
3. Referrals
4. Monitoring

In addition to these areas, these procedures include steps to be taken to ensure that each child receives required procedural safeguards to make certain that the child's rights to privacy and education are protected.

## PROCEDURES

### I. Public Awareness (Annual Public Notice)

Each year the District conducts activities for creating public awareness of its special education programs, for advising the public of the rights of children with disabilities, and alerting community residents of the need to identify and serve children birth through 21. These activities are the responsibility of the Office of Specialized Instruction and include the following:

- a. Establish and maintain communication (in multiple languages and non-traditional media) with staff, organizations, agencies, and individuals to ensure that all activities are carried out in a manner consistent with all state and federal requirements.
- b. Annually develop a training schedule to conduct in-service training for staff, organizations, agencies, and individuals to ensure that annual public notification and screening activities are carried out.
- c. By November 1 of each year, the Office of Specialized Instruction:
  - develops articles and/or announcements for the local newspaper or community bulletin.

Messages and announcements may include information relating to:

- i. The types of disabilities that qualify as a disabling condition under the IDEA.
  - ii. The educational needs of children with disabilities.
  - iii. The rights of children with disabilities to receive a FAPE.
  - iv. The services available to children with disabilities.
  - v. Confidentiality protections.
  - vi. Who to contact (e.g., Child Find Coordinator) and how to get in touch with that person.
2. Alert members of the community who may not easily understand English, by attending and making presentations at community meetings, business group meetings, church-sponsored meetings, and meetings of public employees and officials; also through radio and newspaper.
    - a. Develop and maintain a current list of agencies that provide services to children with disabilities within the community.
    - b. Disseminate Child Find informational materials to hospitals, clinics, pediatricians, pediatric nurses, and social service professionals involved in family or child services.
  3. Review and revise all Child Find materials as appropriate.
  4. Ensure that all children identified through Child Find activities are referred for evaluation to confirm initial eligibility for special education and related services.

5. Collect, maintain, and report current and accurate data on all Child Find activities.
6. Prepare data to assist in planning for the delivery of services to children and the general improvement of the District's educational programs.

## II. Screening

### A. Birth through 2

- i. Screening for children from birth through age 2 is the responsibility of the Department of Development Services, which administers the State's early intervention program (Connecticut Birth to Three System). Districts are responsible for ensuring that children between the ages of birth to three are referred to the Connecticut Birth to Three System for an evaluation. Therefore, when the District becomes informed of a child between the ages of birth to three who has or may have a disability, the District will either (a) make a child referral directly to the Connecticut Birth to Three System via the statewide toll-free number and/or (b) provide the parent with the information so that they can make the referral themselves. It is the responsibility of the Office of Specialized Instruction to communicate with local infant learning programs to coordinate screening activities and ensure that services are in place by the child's 3<sup>rd</sup> birthday.

### B. 3 through 5

- i. Screening is a district-wide activity done in cooperation with parents and non-public school agencies to identify children who may need further evaluation. The result of the screening process is a systematic collection of information for every child screened that helps determine whether there is need for referral and an evaluation. Screening includes general health, vision, hearing, general development, primary language, and culture and daily living skills.

To adequately find preschool-aged children who may be in need of special education services, community outreach becomes especially important to the Child Find process. Special efforts beyond routine annual public notice will be required to reach the parents and caretakers of children below kindergarten age as these children typically are not enrolled in public school programs. It is recommended that these efforts include providing notice of the availability of special education services for children below school age *directly* to physicians (especially pediatricians and family practitioners), community health aides, public health nurses, community child care programs (including preschools, and day care programs), Infant Learning Programs, and any other agencies serving young children or their families. The information

provided should include specific steps from the school district special education program for screening.

Preschool screening may take a variety of forms. It may consist of a parent interview and brief observation of the child, from which enough information is gathered about the child to decide whether to proceed with the special education referral process. Special education staff may use the results of a standardized parent questionnaire to determine if the child's performance, as reported by the parent, is significantly below average in any particular developmental area and warrants referral for assessment. Or staff may choose to administer an individual screening tool directly to the child in addition to gathering information from the parent and observing the child informally.

The District will also engage in "mass screening" activities. When organized by the District, parents of preschool-aged children are invited to bring their children in for screening on a particular day or days, and children are screened by a team of special education staff and trained paraprofessionals. The team may use a standardized developmental screening tool designed for group screening or they may use several different measures. If decisions about children are to be made on the basis of standard scores from norm-referenced tests, caution must be used when the norm group on which the test was standardized differs in important ways from the cultural or social group of which the child is a member.

Children whose screening results are questionable should be given an opportunity for re-screening at a later date. *Screening results should never be substituted for a comprehensive assessment in making diagnostic or placement decisions.*

C. 6 through 21

- i. Screening is a district-wide activity to identify children in the general school population who may need further evaluation. The result of the screening process is a systematic collection of information for every child screened that helps determine whether there is a need for a referral for assessment.

Screening includes general health, vision, hearing, general basic skills, primary language and culture and daily living skills in the home and community obtained through parental input. *Screening results should never be substituted for a comprehensive assessment in making diagnostic or placement decisions.*



### III. Referrals

The District 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. Such information shall include, but not be limited to, a description of the general education interventions that are provided to meet the needs of individual children before a referral for a special education evaluation is requested and the special education referral and evaluation process. Such information shall identify at least one person in each school building that parents or professional staff of the District may contact regarding school policies and procedures for special education referrals and evaluations. The District will include such information in the student handbook, on the District's website, and in other locations to afford parents and staff access to such information.

Referrals may come directly from parents or other family members, from a physician, clinic or social worker, private schools or various community agencies. If the referral for the initial evaluation is made by someone other than the child's parent, the District will provide notice of the referral to the parent no later than five days after the referral is received by the District. Referrals may also be stimulated by the annual public notice, come from teachers or other school personnel, or come as a result of a screening program.

Teachers or other school personnel must make prompt referral to a planning and placement team of all children who have been:

- a. suspended repeatedly; or
- b. whose behavior, attendance, including truant behavior, or progress in school is considered unsatisfactory or at a marginal level of acceptance.

*\*there will be school-based and district-based teams to continually monitor the above referenced*

- A. The District has developed a standard referral form to document all referrals. However, the District will accept as a referral a concern expressed in writing from the parent of the child that such child be referred for an initial evaluation and such written concern shall be provided to supervisory or administrative personnel of the District or such child's teacher. The District will accept a referral that uses terms that clearly indicate a concern that such child may be a child with a disability and should be evaluated for special education identification and services. For parents who cannot put their request in writing, the District shall accept an oral referral, and will reduce the referral to writing using the District's referral form.
- B. Upon receipt of a referral, the principal/designated staff reviews the child's record and consults with the teacher and/or parent. A PPT shall be convened to consider the referral to determine if an evaluation of the child is appropriate.
- C. Where appropriate, alternative procedures and programs in regular education (SRBI) are explored and implemented before District personnel refer a student to a Planning and Placement Team. Each school in our District has a team that

provides a variety of alternative strategies to the teacher. This team is called the Scientific Research-Based Intervention (SRBI) Team. Parents are encouraged to collaborate with the teacher and other involved staff during this time. Parents or school personnel may request assistance from the school's SRBI Team. The team works collaboratively with the classroom teacher and parents to develop and document strategies to assist the student within the regular education program. If the student's problems or difficulties persist, a prompt referral to a PPT is made.

If a child is receiving alternative procedures and programs in general education (SRBI), and the District receives a referral for an initial evaluation, the District will accept the referral for an initial evaluation to determine if a child is a child with a disability, and will promptly convene a PPT meeting to consider the referral to determine if an evaluation of the child is appropriate. The alternative procedures and programs in general education shall be continued during the referral process.

#### IV. Monitoring

- A. District staff will monitor student data related to student absences, academic performance and behavior on a regular basis at the school level.

## **SECTION 2 ❖ ANNUAL CHILD FIND TRAINING OUTLINE**

### **TOPICS: PURPOSE OF CHILD FIND ACTIVITIES**

What is a "Child with a Disability"?

- Criteria for Eligibility
- Infants and Toddlers
- Pre-school Children
- Identification of Gifted and Talented Students

How are Children Identified?

- Who Can Refer?
- When Should a Referral Be Made?
- How is a Referral Made?
- What is Screening?
- What are the Timelines for Evaluation?
- What is an Initial Evaluation?
- When is Parent Consent Required?

What Rights do "Children with Disabilities" Have?

- Confidentiality Rights
- Family Education Rights Privacy Act (FERPA)
- Application of Section 504
- State and Federal Procedural Safeguards

Presenters:

- Director of Specialized Instruction
- Director of Psychology
- Director of Social Work
- Supervisor of Specialized Instruction
- Supervisor of Skane School
- Principals
- Screening Staff (i.e., speech clinician, etc.)

Materials:

- Copy of Child Find Procedures
- Referral Forms
- State Regulations

**BRIDGEPORT PUBLIC SCHOOLS****GUIDELINES FOR INDEPENDENT EDUCATIONAL EVALUATIONS (IEE)**

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 Bridgeport Public Schools has established the following procedure for obtaining an Independent Educational Evaluation (IEE) and criteria for the selection of an appropriate evaluator. In accordance with applicable law, these criteria also apply to outside evaluations performed by an outside evaluator selected by, and/or, at the request of the Bridgeport Public Schools.

**Definitions**

An **Independent Educational Evaluation (IEE)** is an evaluation conducted by a qualified examiner who is not employed by the Bridgeport Public Schools, which is the public agency responsible for the education of the child.

An **evaluation** means the formal testing and/or assessment procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.

**Public expense** means the district either pays for the full cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parents/guardians.

**Procedure**

Upon receipt of a request for an IEE by a parent/guardian, the school district will either: (a) initiate a due process hearing to show that the evaluation of the child conducted by the district is appropriate; or (b) provide an IEE at public expense unless the school district demonstrates through a due process hearing that the evaluation obtained by the parent did not meet the district's criteria. 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 IEE, 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. Parents may also select evaluators not included on the district's list, provided they fully satisfy all of the criteria set forth below.

Parents will be expected to contact the evaluator they have selected to conduct the IEE in a timely manner to schedule any necessary appointments.

**Criteria for Outside Evaluators** (*Independent Evaluators and Outside Evaluators Selected by the Bridgeport Public Schools*)

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. Licensure or Certification:**

Psychologists must either hold a valid Connecticut Department of Health license as a psychologist and have achieved a Doctor of Philosophy (Ph.D.) or Doctor of Psychology (Psy.D.) in Psychology, Neuropsychology or Clinical Psychology from an accredited university; OR hold an appropriate and valid certificate in school psychology from the Connecticut, Massachusetts or Rhode Island State Departments of Education.

**2. Additional Requirements:**

**Psychologists must:**

1. Have training and experience in evaluating students of the same age level.
2. Have clinical background, advanced training, and recent experience in the areas of disability being evaluated.
3. Be able to schedule an evaluation in a timely manner and produce a written report within forty - five (45) school days of the evaluation, subject to any contractual arrangement with the district or unusual circumstances which justify an extension of this timeline.

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) certificate from the Connecticut, Massachusetts or Rhode Island State Departments 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.

2. Have clinical pediatric experience in evaluating and treating children in the area of disability being evaluated.
  3. In the case of physicians, be Board Certified 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.
- C. The evaluator must not be an employee of the school district.
- D. 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 Special Education Director, as well as to obtain information from the school and share information with the school.
- E. 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.
- F. The evaluator must agree to provide the assessment information and results, including the results of teacher and parent checklists and surveys, in a written report to the district prior to receipt of payment for services. The evaluator will be expected to produce his/her written report within forty - five (45) school days of the evaluation, subject to any contractual arrangement with the district or unusual circumstances which justify an extension of this timeline.
- 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. The evaluator must also comply with all applicable confidentiality requirements under state and federal law.

#### Location Limitations for Evaluators

Evaluators who will be considered for approval must be located within a radius of seventy-five miles. Evaluators outside of this geographic area will be approved only on an exceptional basis, provided that the parent can demonstrate the necessity of using personnel outside of this geographic area. The district shall not be responsible to provide transportation, nor pay any travel expenses, to and from the location of the evaluator. In the case of low incidence or severe disabilities where qualified evaluators may not exist in the geographic area, this requirement may be reconsidered by the district.

#### 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 conduct its evaluation first. A parent/guardian may request only one independent evaluation at public expense for each evaluation conducted by the district.

### Outside Evaluations which are Not IEEs

Evaluations and/or assessment obtained by parents/guardians which do not meet the criteria for an IEE are considered outside evaluations for which parents/guardians are not entitled to reimbursement or payment from a public school district. Nonetheless, if a parent/guardian decides to unilaterally obtain an outside evaluation and to share the results of such evaluation with the district, the school district will consider the evaluation at an IEP meeting, as appropriate.

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 Psychology with any questions regarding the criteria for independent educational evaluations.

### Evaluators Meeting Criteria

A list of evaluators meeting district criteria will be provided upon request.

May 2015

## SPED REFERRAL PROCESS DIAGRAM TREE

