

## **2020-2021 Handbook**

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## **PART ONE: MANAGEMENT BOARD POLICY**

**MANAGEMENT BOARD POLICY**

**OF THE**

**YELLOWSTONE-WEST/  
CARBON COUNTY**

**SPECIAL SERVICES  
COOPERATIVE**

**Amended August 11, 2020**

## I. INTRODUCTION

This publication contains the adopted statements of policy for the Yellowstone-West/Carbon County Special Services Cooperative. This publication will be made available to each school board whose school is a member of the Cooperative. The rules and regulations adopted to implement these policies are published in a separate handbook (*For your convenience, please see the sections following in this publication*).

## II. A STATEMENT OF PHILOSOPHY OF THE COOPERATIVE

This Cooperative has a philosophy of providing quality Special Education and Related Services to eligible students residing within the Cooperative boundary. It is the intention of this Cooperative to look at the whole child when designing specialized services for him or her. Every effort will be made to place each child referred and placed in Special Education in the least restrictive, appropriate placement.

## III. LEGAL STATUS

### A. THE COOPERATIVE MANAGEMENT BOARD IS THE GOVERNING BODY OF THE COOPERATIVE.

### B. ORGANIZATION OF COOPERATIVE

The Cooperative organization consists of a Joint Advisory Board and Management Board. The member schools and representatives of the Joint Advisory Board are:

Luther School	-	Carbon County Supt. of Schools or Designee
Broadview Schools	-	Superintendent or Designee
Canyon Creek School	-	Superintendent or Designee
Pryor Schools	-	Superintendent or Designee
Belfry Schools	-	Superintendent or Designee
Bridger Schools	-	Superintendent or Designee
Fromberg Schools	-	Superintendent or Designee
Joliet Schools	-	Superintendent or Designee
Red Lodge Schools	-	Superintendent or Designee
Roberts Schools	-	Superintendent or Designee
Elysian School	-	Principal or Designee
Elder Grove School	-	Superintendent or Designee
Independent School	-	Superintendent or Designee
Morin School	-	Yellowstone County Supt. of Schools or Designee
Blue Creek School	-	Principal or Designee
Molt School	-	Stillwater County Supt. of Schools or Designee
Yellowstone Academy	-	Superintendent or Designee



Sections 20-7-451 through Section 20-7-455 of the School Laws of Montana (MCA) authorizes the creation and funding mechanism for full service Cooperatives.

#### C. MEMBERSHIP AND ELECTION OF BOARD

1. Board Elections:  
The Joint Advisory Board members elect a seven-member Management Board.  
The second Tuesday of June shall be the regular election day for member(s) whose term has expired. Immediately following the election, the June meeting shall be an organizational meeting of the new Management Board.
2. Number of Members:  
The Board shall consist of seven members. These members are elected at large from the membership of the Joint Advisory Board.
3. Term of Office:  
Term of office is three (3) years.
4. Organization of the Board:  
At the June organization meeting the members of the Management Board shall choose one of their members as Chairperson and one as Vice-Chairperson.
5. Management Board Vacancies:  
Any position on the Management Board shall be vacant whenever the member fails to attend three consecutive meetings of the Management Board without just cause.
6. Vacancy Elections:  
Vacancy of the Management Board shall be filled by an election of the Joint Advisory Board at the next scheduled meeting.
7. Local Board Appointments to the Management Board:  
Once the Joint Advisory Board elects members to the Management Board, the local board of trustees must officially nominate their administrator or designee to the Management Board.
8. Appointment to Standing Committees:  
The Chairperson of the Management Board will make appointments to standing committees.

#### D. LENGTH OF COOPERATIVE MEMBERSHIP

Membership in the Cooperative shall be for three year periods. Notification of a school's intent to withdraw from the Cooperative shall be made, in writing, to the Cooperative Management Board Chairperson by the regularly scheduled September Management Board Meeting prior to the renewal date (before the end of the three year membership).

#### E. POWERS AND DUTIES OF MANAGEMENT BOARD

1. Statement of Responsibility:  
Governance of the Cooperative rests with the Management Board.
2. Duties of Officers:

- a. To sue and be sued, complain, and defend in the Cooperative name.
  - b. To purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, hold, own, improve, use, and otherwise deal in and with real personal property, or any interest therein, wherever situated.
  - c. To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.
  - d. To conduct its affairs, carry on its operations and have offices in this state.
  - e. To make and alter, by resolution, by-laws governing the calling and conducting of meetings, appointment of a Director, and in the internal operating procedures of the Board.
  - f. To exercise the executive management and administrative control of the Cooperative and its properties, facilities, programs and the contracted activities of its employees.
  - g. To employ and reemploy all personnel, determine their qualifications, conditions of employment and work assignments, and to further promote, demote, or dismiss such personnel as provided by law.
  - h. To establish and supervise curriculum, manner of instruction, hours of instruction, days that the Cooperative shall be in session, physical plant and other facilities, and to establish terms and conditions of employment.
  - i. Set policy.
  - j. Comprehensively review the performance of the Cooperative at least annually.
  - k. Review the financial management of the Cooperative at least annually.
  - l. Review the proposed budget of the Cooperative annually and set local contributions, if any.
  - m. Maintain a full permanent record of all adopted policies.
3. Chairperson:  
The Chairperson shall preside at all the Management Board meetings in accordance with customary rules of order.
4. Vice-Chairperson:  
The Vice-Chairperson of the Board shall serve in the place of the Chairperson at such times that the Chairperson is unable to perform those duties normally assigned to him/her.
5. Meetings:
- a. Regular Meetings  
The regular Management Board meeting will normally be held the second Tuesday of each month. With proper notification the Board may change the meeting and/or dispense with regularly scheduled meetings. The meeting place shall be determined by the Board. The Board meetings shall be public, except that the Board may recess to an Executive Session under the provisions of applicable open meeting laws.
  - b. Special Meetings

A special meeting of the Board may be called by the Chairperson or any two members by giving at least 48 hours notice. The notice is to include the reason for calling a special meeting.

c. Executive Session

The Management Board may hold Executive Session meetings for discussions of Cooperative personnel or business only when such discussion, if held in public, might be harmful to reputations. No official action may be taken at these sessions, and all discussions shall be considered confidential, except when the Board as a whole has agreed to divulge the matters discussed. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting shall be open.

d. Notice of Meetings

All the Management Board and Joint Advisory Board members shall be notified of the Management Board meeting. The notice will be mailed to all cooperative certified and licensed employees.

e. Determination of Agenda

The Director and/or Chairperson of the Board shall determine items to be placed on the agenda. An agenda will be mailed to all Board members and all Cooperative certified and licensed employees.

f. Minutes

The minutes of the Board shall contain the following:

1. Time the meeting will convene.
2. Presiding officer, persons present and absent.
3. Notation of acceptance or correction of minutes of the last meeting
4. Record of all reports, motions, major discussions, and resolutions of the Board.
5. Notation of all new policy items.
6. Notation of the voting record.
7. Record of any communication read or received at the meeting.

## F. OPERATIONS AND PROCEDURES

1. Rules of Order:

The Board shall conduct their meetings according to common rules of order.

2. Order of Business:

The Board's business shall be transacted in the order outlined below:

- a. Call to order.
- b. Approval of minutes.
- c. Approval and payment of bills.
- d. Information and proposals.
- e. Old business and receiving of delegations.
- f. New business.
- g. Association Items
- h. Advance planning (future agenda items and meeting dates).
- i. Adjournment.

The order of business may be suspended or altered by those present to suit the convenience of the Board. No business shall be transacted by the Board unless it is transacted at a regular meeting or properly called special meeting.

3. Quorum and Voting:

- a. A quorum for any meeting shall be four (4) members.
- b. Votes shall be in the form of voice votes, unless extenuating circumstances require phone votes or votes by proxy.
- c. The Clerk shall record the tally when any Board member requests that roll call vote be recorded.

4. Participation of Joint Advisory Board Members:

The Joint Advisory Board members may participate in the discussion of agenda items. The Joint Advisory Board member must be recognized by the Chairperson. Joint Advisory Board members do not vote on motions made at either Management or Joint Advisory Board meetings, except that they may vote when electing new Management Board members.

5. Handling of Issues:

Complaints by Cooperative member districts are to be referred to the staff members involved. If satisfaction is not achieved, the complaint will be referred to the Director. If the decision of the Director is unsatisfactory, the Director will request the complaint be put in writing and will present the complaint to the Management Board at their next scheduled Board meeting

## G. POLICY

1. Policy Adoption:

Policy proposals shall have two readings. The Board shall adopt a proposed policy only at the second reading. Exceptions to this policy may occur under the conditions of an emergency and through a majority vote to waive two readings. Policies shall be approved with a simple majority of the seven-member Board. All policy adoptions shall be incorporated into the official minutes of the Board.

2. Amendment or Suspension:

Policy amendments may originate with the Management Board, Joint Advisory Board or the Director.

3. A majority vote of the seven-member Board is necessary to adopt or amend any policy, rule or regulation.
4. All policies and procedures previously adopted by the Management Board will be reviewed at least annually at the September combined Joint Advisory Board/Management Board meeting.

## IV. BUSINESS AND OPERATION

The financial management and business operation of Yellowstone-West/Carbon County Special Services Cooperative shall be carried out in compliance with current

Montana State Laws and the Financial Handbook published by the Office of Public Instruction.

- a. responsibility for financial summary  
The Management Board shall oversee the financial management of the Cooperative.
- b. budgetary process preparation  
A preliminary annual budget of the Cooperative will be reviewed annually on or before the August Board meeting. The Director shall recommend to the Management Board a local contributions budget.
- c. accounting for income and expenditures
  - 1. Sources of Revenue:  
All sources of revenue will be accounted for in compliance with the laws of the State of Montana, and the applicable Federal Laws and Rules and Regulations.
  - 2. Authorized Funds:
  - 3. General Fund:
  - 4. Retirement Fund:
  - 5. IDEA Part B and Preschool Federal Funds:
  - 6. Local Contributions Fund:
  - 7. Medicaid Reimbursement Fund:
- d. depository and management of funds
  - 1. Cooperative Fund:  
Monies collected by the Cooperative shall be deposited with the Yellowstone County Treasurer, under Fund 20, within the Yellowstone County Superintendent of School's budget.
  - 2. Nonpayment of local funds to the Cooperative within sixty (60) days of being billed will result in the removal of some or all services provided by the Cooperative to that school, in an amount equal to the funds due to the Cooperative.
- e. general fund expenditures
  - 1. Requisition:
    - a. Authorization  
The Director or Administrative Assistant shall authorize all requisitions. Any item over \$5,000.00 must have the approval of the Management Board and Director.
    - b. Processing  
The Clerk will process all requisitions, purchase orders and bills.
    - c. Bids  
Bids will be called for by the Director, with the approval of the Management Board, for any item or service that exceeds \$7,500.00.
- f. auditing procedures  
An audit will be made annually of all local, state and federal income and expenditures.
- g. financial reporting

The Board shall receive a monthly financial statement prepared by the clerk. Any individual Cooperative school may request a financial report for the month.

#### V. CERTIFIED PERSONNEL

a. employment procedure

Every effort shall be made to employ staff members who are highly qualified in the field in which they are certified and/or licensed.

1. Equal Employment:

Yellowstone-West/Carbon County Special Services Cooperative personnel shall be recruited, appointed, assigned, trained, evaluated and promoted on the basis of merit and qualifications, without regard to race, color, religious creed, political ideas, sex, age, marital status, physical or mental disability, national origin or ancestry, except where sex or physical condition constitutes a harmful occupational requirement.

b. qualifications of staff members

Staff members must be certified or properly licensed according to the laws of Montana.

## **PART TWO: ADMINISTRATIVE REGULATIONS**

**Revised August 2019**

## PRESCHOOL REIMBURSEMENTS

~~School districts have a responsibility to provide preschool services, and not all districts elect to participate in the YWCCSSC preschool. Whereas costs to provide services are on-going throughout the school year, the board delegates responsibility to the director and in turn the business manager to disperse funds up to \$2000 per preschool individual with disabilities provided that the individual is served in the home district in areas in addition to speech language. Allocation will be dispersed twice per year beginning in 2013-2014: the first round of allocations based on October 1 AIMS data and the second round of allocations based on February 1 AIMS data. A district will then be in receipt of \$1000 per individual in October and provided that student is still in attendance in February the district will receive an additional \$1000.~~

~~By dispersing funds in this way, districts will receive money when they are providing service for these 3, 4, and 5-year old individuals.~~

Adopted January 8, 2013, *Rescinded January 2019, effective 2019-2020 School Year*



## **EQUIPMENT GUIDELINES**

The Cooperative will not provide equipment for districts. The Cooperative may research and advise districts in their rental and/or purchase of unique items which are needed to satisfy the specialized needs of a student within the Cooperative.

Adopted March 11, 2013

## FINGER PRINTS AND CRIMINAL BACKGROUND CHECKS

It is the policy of the Yellowstone-West/Carbon County Special Services Cooperative that any finalist recommended for hire to a paid or volunteer position with the Yellowstone-West/Carbon County Special Services Cooperative, involving regular unsupervised access to students in schools, as determined by the Director, shall submit to a name-based and fingerprint criminal background investigation conducted by the appropriate law enforcement agency prior to consideration of the recommendation for employment or appointment by the Cooperative Management Board at the expense of the Yellowstone-West/Carbon County Special Services Cooperative. The results of the name-based check shall be presented to the Cooperative Management Board concurrent with the recommendation for employment or appointment. Any subsequent offer of employment or appointment shall be contingent upon results of the fingerprint criminal background check, which must be acceptable to the Cooperative Management Board, in its sole discretion. Specific procedures will be set up by the Yellowstone-West/Carbon County Special Services Cooperative.

The following applicants for employment, as a condition for employment, shall be required, as a condition of any offer of employment, to authorize, in writing, a name-based and fingerprint criminal background investigation to determine if he or she has been convicted of certain criminal or drug offenses:

- A certified teacher seeking full- or part-time employment with the Yellowstone-West/Carbon County Special Services Cooperative;
- An educational support personnel employee seeking full- or part-time employment within the Yellowstone-West/Carbon County Special Services Cooperative;
- An employee of a person or firm holding a contract with the Yellowstone-West/Carbon County Special Services Cooperative, if the employee is assigned to the Yellowstone-West/Carbon County Special Services Cooperative;
- A volunteer assigned within the Yellowstone-West/Carbon County Special Services Cooperative who has REGULAR unsupervised access to students;
- Substitute teachers.\*

Any requirement of an applicant to submit to a fingerprint background check shall be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Director, who shall decide whether the applicant shall be declared eligible for appointment or employment. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

*\*The requirement to fingerprint non-licensed substitutes may be waived in whole or in part by the Cooperative Management Board, if the substitute has previous*

*teaching or substitute teaching experience in an accredited public school in Montana prior to November 28, 2002*

Legal Reference:	§ 44-5-301, MCA	Dissemination of public criminal justice information
	§ 44-5-302, MCA	Dissemination of criminal history record information that is not public criminal justice information
	§ 44-5-303, MCA	Dissemination of confidential criminal justice information
	ARM 10.57.113	Substitute Teachers
		Public Law 105-251,
	Volunteers for Children Act	

Policy History:  
Adopted on: 12/9/03

## **PROCEDURES FOR FINGERPRINTS/BACKGROUND CHECKS**

Yellowstone-West Carbon County Special Services Cooperative has the authority to conduct federal background checks for applicants having unsupervised access to the vulnerable population. All individuals 18 years or older to be hired as paid employees or a volunteer by Yellowstone-West Carbon County Special Services Cooperative must be fingerprinted under the National Child Protection Act and Volunteers for Children's Act or NCPA/VCA.

Prior to the submission of fingerprints to DOJ/CRISS, all applicants are given the Applicant Rights and Consent to Fingerprint form to review and sign. Yellowstone-West Carbon County Special Services Cooperative procedures for challenging criminal history record information are also covered at this time with the applicant. Signed forms are kept in the Yellowstone-West Carbon County Special Services personnel file for 5 years or the length of employment, whichever is longer. Applicants are also provided with a copy of the Privacy Act Statement.

Ink fingerprints are captured at the local enforcement office or security office (i.e. Kenco) that have completed and passed the certification course provided by CRISS. All applicants must provide a current government issued photo identification at the time of fingerprinting for identification verification. Two ink fingerprint cards are captured for each applicant and all data fields are completed and checked for accuracy. Complete fingerprint cards are brought to the Yellowstone-West Carbon County Special Services Office where they are then mailed to DOJ/CRISS along with payment.

Karen Underwood has been appointed as the Local Agency Security Officer and acts as the primary point of contact between Yellowstone-West Carbon County Special Services Cooperative and CRISS. Karen Underwood is responsible for ensuring CJIS Policy compliance by all authorized recipients within Yellowstone-West Carbon County Special Services Cooperative. Any change in appointment of the LASO or other authorized personnel will be reported to CRISS immediately.

Printed background checks are reviewed by both Karen Underwood and Beth Vogeles, administrative assistant, and a determination form is completed. If any adverse results are present on the background check, Karen Underwood makes the final determination of eligibility. Yellowstone-West Carbon County Special Services Cooperative utilizes a determination form and the CHRI is then shredded.

Applicants wishing to obtain a copy of their background report may make a request to Karen Underwood. A current government photo identification must be presented at the time of the request. A copy of the background report is made and marked as a "copy" and provided to the applicant. The dissemination is then logged. Dissemination logs include, what record was shared, the date it was shared, the method of sharing, and the agency personnel that shared the record. The dissemination log is stored in a locked filing cabinet for at least 3 years or between audits, whichever is longer.

Yellowstone-West Carbon County Special Services Cooperative does not disseminate criminal history record information with any other agency.

All criminal history record information is stored in a locked filing cabinet within the business office. Only authorized personnel, Director and Administrative Assistant have access to this information. Only authorized personnel are present during the determination process when the criminal record is being reviewed. Printed background checks are stored until a final determination for employment has been made, two weeks or less. A determination form is then completed and CHRI is then destroyed.

All applicants are given the opportunity to challenge or complete their record before a final determination is made. Applicants wishing to challenge their record are given a copy of the background report. The applicant is then given time to contact the state or agency in which the record was created to make corrections. After two weeks the applicant must then provide Yellowstone-West Carbon County Special Services Cooperative with a copy of the corrected background report provided by and notarized by the State Identification Bureau. The fee associated for a copy of the state record provided by the State Identification Bureau will be the responsibility of the applicant.

Yellowstone-West Carbon County Special Services Cooperative does not allow dissemination of CHRI to persons or agencies that are not directly involved in the hiring and determination process. If CHRI is disseminated outside of the authorized receiving department, Karen Underwood will report this to CRISS immediately and provide CRISS with an incident response form. The incident response form will include the nature of the incident, any internal reprimands that may have resulted from the incident, as well as our agencies plan to ensure that this incident does not get repeated.

Hard copy CHRI is stored for a period not longer than two weeks, Dissemination Logs are maintained for a period of 3 years or between audits, and the Applicant Rights and Consent to Fingerprint form is maintained for at least five years or the length of employment, whichever is longer. At the end of the retention period, all CHRI and related information is shredded in house by Karen Underwood and Beth Voge.

Updated June 2019

### **CERTIFICATION/LICENSURE**

1. To be paid for their services to the Cooperative, employees must have on file with the Cooperative office the following documents:
  - a. Official transcripts from all colleges/universities attended
  - b. Complete placement papers
  - c. Copy of each official teaching certificate or license
  - d. Completed employment application
  - e. Copy of the employee's Social Security card
  - f. Copy of the employee's driver's license
2. These documents must be in the possession of the Cooperative Business Manager prior to the first pay day of each school year.
3. The employee is responsible for filing the teaching certificate/license with the Yellowstone County Superintendent of Schools.

Adopted November, 1983

Revised August, 1987

Revised August, 1992

Revised August, 2004

Revised August, 2010

## TRAVEL AND PER DIEM DISTRIBUTION

### JOB-RELATED DAILY TRAVEL

Certified or licensed staff members who must travel within the Cooperative boundaries to carry out their job-related assignments will be reimbursed for their mileage at a rate that is in compliance with Montana State Law.

#### 1. Use of Cooperative-Owned Vehicles:

The Management Board has determined that assigning Cooperative-owned vehicles to itinerant staff members is an effective and cost efficient way to deliver services to outlying districts. It is the goal of the Cooperative to provide safe and dependable vehicles for such use.

##### a. Vehicle Assignment

Staff members who are assigned Cooperative-owned vehicles are responsible for the security of the vehicle as well as making sure the vehicle is properly maintained. Assignment of vehicles will be made by the Cooperative Director based on staff travel estimates.

##### b. Cooperative Vehicle Operation Requirements

1. Any operator of a Cooperative-owned vehicle must have a valid Montana driver's license.
2. Cooperative-owned vehicles may be driven to the Cooperative employee's home to allow for the security of the vehicle.
3. All employees operating Cooperative-owned vehicles are required to wear seat belts.
4. Smoking shall not be permitted in the Cooperative-owned vehicle.
5. Cooperative employees shall not pick up hitchhikers.
6. Unless otherwise directed, vehicle oil changes will be done every 3,500 miles, tire rotation every 6,000 miles. Other vehicle maintenance will be done on an as-needed basis. The employee currently operating the vehicle when the need for an oil change or maintenance occurs must contact the Cooperative Office for authorization prior to having the work completed.
7. Vehicle interiors and exteriors are to be cleaned on a regular basis.
8. Cooperative vehicles must be locked at all times when parked and not in use.
9. At no time shall alcoholic beverages or controlled substances be permitted or consumed in a Cooperative vehicle.
10. Employees may not operate a Cooperative vehicle within eight hours after consuming alcoholic beverages.

11. Any operator of a Cooperative vehicle requested to submit to a field breath, urine or blood test by a law enforcement officer shall comply.
  12. Cooperative employees shall use caution when taking prescribed drugs or non-prescribed medications if the substance carries a warning label indicating that mental function, motor skills or judgment may be adversely affected.
  13. **Cooperative employees operating a Cooperative vehicle must pull over safely and stop when using a cell phone.**
- c. Compliance with Laws, Rules and Regulations
1. Cooperative employees using Cooperative-owned vehicles are required to obey all traffic laws and regulations.
  2. Any employee who receives a citation for a driving violation while operating a Cooperative vehicle shall personally pay all fines levied. All citations received while the driver is a Cooperative employee, must be reported to the Cooperative Office. Employees must have an acceptable driving record as verified by a Motor Vehicle Report, in order to be covered by the Cooperative's insurer. Any major moving violations such as a DUI, Reckless Driving, or any other violation of a serious nature or an accumulation of violation points to a level that is uninsurable may result in disciplinary action up to and including termination.
  3. Cooperative employees will promptly report all accidents involving Cooperative vehicles to the Cooperative Office. Accidents must be reported to the Montana Highway Patrol or local law enforcement for investigation.
- d. Non-Coop Use of Cooperative Vehicles
1. Cooperative vehicles are for Cooperative business use only. Prior approval from the Director is required for any other usage.
  2. An employee attending an In-service/Training who is away from the normal assigned work area may use the Cooperative vehicle for transportation to meals, lodging and other appropriate activities after normal working hours.
  3. Cooperative employees assigned a vehicle to travel to and from work may respond to personal needs as long as doing so does not require additional mileage and adversely affect the integrity of the Cooperative.
  4. Non-employees may ride in Cooperative vehicles only while such individuals are on official Cooperative business, while they are traveling to or from an official function in which they are participants, or while being helped or



assisted by a Cooperative employee in the case of an emergency.

5. Transport of 'family' members is allowable providing that doing so:
  - a. is infrequent;
  - b. does not require increased transportation expense; and
  - c. has been approved by the Director.

#### WORKSHOP/CONFERENCE TRAVEL

The Management Board of the Yellowstone-West/Carbon County Special Services Cooperative encourages staff participation in professionally relevant workshops, training sessions and professional conferences.

1. The following expenses may be reimbursed by the Cooperative to the employee:
  - a. Transportation costs.  
Note: The Cooperative will reimburse transportation costs for private vehicle use to (1) person attending each conference location. This policy may be waived by the Director for unusual circumstances. Employees wishing a waiver of this policy must obtain prior approval of the Director. Employees are to check on the availability of a Cooperative-owned vehicle for a workshop and/or make every effort to travel to the scheduled activity or training that takes place outside the normal routine with staff that are assigned a Cooperative-owned vehicle prior to requesting reimbursement for transportation costs.
  - b. Workshop/conference registration fees.
  - c. Workshop/conference materials, which become the property of the Cooperative.
  - d. Meals to, from and while at the workshop/conference; based on the approved per diem rate. Out-of-state per diem will be in accordance with MCA guidelines.
  - e. Lodging while at the workshop/conference at the approved rate.
2. Reimbursement to employees for attending workshops/conferences and in-service training sessions will be contingent upon and determined by:
  - a. The number attending from the Cooperative.
  - b. Approval of the Director.
  - c. Number of workshops/conferences attended in the school year.
  - d. Relevance of the session to the individual employee.
  - e. The funds available.
3. Reimbursement rates for lodging, meals, and mileage will be granted according to the current State of Montana travel reimbursement rates, see [Section 2-18-501\(2\)](#), MCA. The federal schedules are available in the Department of Administration or through the Internet as follows: <http://www.gsa.gov/portal/category/100120>.
4. To receive reimbursement for workshop/conference expenses Cooperative employees must:
  - a. Obtain prior permission to attend from the Director.
  - b. Attend the workshop/conference.

- c. Be willing to provide in-service training and share information on the workshop/conference to other employees of the Cooperative.
  - d. Complete, sign and file with the Business Manager, the "Reimbursement Request" form indicating date and time of departure and return.
  - e. Provide a receipt for workshop fees and lodging.
5. The number of employees allowed to attend an individual workshop/conference will be determined by the Director in consultation with the Management Board. The Director will determine the amount and forms of reimbursement for all workshop/conference travel according to the standard set down in the section headed "Workshop/Conference Travel".
  6. When funds allow, employees will be given permission, on a rotating basis, to attend national workshops/conferences according to their seniority within their own discipline, i.e., School Psychologists, Speech-Language Pathologists, and Special Needs Preschool teachers.
  7. Reimbursement for three meals will be provided when an employee leaves/returns from his/her home or school to attend the workshop/conference by 9:00 a.m. Reimbursement for one meal will be provided when an employee leaves his/her home or school at 2:30 p.m. or later. The same reimbursement schedule will be followed when employees return from workshops/conferences.

Adopted October, 1983

Revised September, 1984

Revised July, 1988

Revised August, 1990

Revised August, 1991

Revised August, 2001

Revised August, 2004

Revised August, 2008

Revised August, 2009

Revised August 2015

## **MILEAGE REIMBURSEMENT**

The correct form for filing mileage shall be given to the Cooperative Business Manager no later than 4:00 PM. on **the first day of each month.**

Reimbursement for approved work related mileage shall be paid approximately the 15th day of each month for the proceeding month's mileage. The Director shall monitor mileage forms for accuracy. Mileage reimbursement, as normal compensation, will not need prior approval of the Management Board.

Adopted July 1995  
Revised August, 2004  
Revised August, 2010

## **TITLE IX/SECTION 504/ADA GRIEVANCE PROCEDURE AND POLICY STATEMENT**

It is the policy of the Cooperative to provide a free and appropriate public education to each student with disabilities within its jurisdiction, regardless of the nature or severity of the disability. It is the intent of the Cooperative to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act (ADA) are identified, evaluated and provided with appropriate educational services. Students may be disabled under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA). Due process rights of students with disabilities and their parents under Section 504/ADA will be enforced. The Cooperative Business Manager is the coordinator of Section 504/ADA and Title IX activities as related to issues of employment through the Cooperative.

### **I. DEFINITIONS**

- A. **Grievance:** Grievance means a complaint alleging any policy, procedure, or practice which would be prohibited by Title IX/Section 504/ADA and other federal and state civil rights laws, rules, and regulations.
- B. **Title IX:** Title IX means Title IX of the Education Amendments of 1972 (20 USC Section 1681, and its implementing regulations, 34 C.F.R. Part 106 and any other , directives, guidelines, or subsequent legislation that may be issued or enacted).
- C. **Section 504:** The Rehabilitation Act of 1973 (29 USC 794).
- D. **ADA:** Americans with Disabilities Act of 1990.
- E.. **Federal and State Civil Rights Laws, Rules and Regulations:** See legal reference on model policy statement
- F. **Grievant(s):** Grievant means a student/parent/guardian or employee of Yellowstone-West/Carbon County Special Services Cooperative who submits a grievance.
- G. **Yellowstone-West/Carbon County Special Services Cooperative:** Any reference to any school district as defined in 26-6-101, Montana Codes Annotated.
- H. **Title IX/Section 504/ADA Coordinator:** Means the employee(s) designated to coordinate Yellowstone-West/Carbon County Special Services Cooperative (hereinafter Coordinator).
- I. **Day:** Day means a working day: the calculation of days in grievance processing shall exclude Saturdays, Sundays and school holidays (20-1-305 MCA).
- J. **Ridgeway et al, Plaintiffs, v. Montana High School Association et al, Defendants:** Hereinafter identified as Ridgeway settlement.
- II. BASIC PROCEDURAL RIGHTS:** Applicable to all levels of the grievance process.
  - A. Each party shall have the right to representation, to present witnesses and evidence and to question opposing witnesses.
  - B. The designated Coordinator may not have a direct interest in the outcome of the grievance and must remain impartial.
  - C. Relevant agencies/institutional records shall be available to all parties subject to requirements and clarifications in the Family Educational Rights and Privacy Act (FERPA) (20

U.S.C. Section 1232g; 34 CFR Part 99) and the Health Insurance Portability and Accountability Act (HIPAA).

D. Intimidation or retaliation of any kind is prohibited by law.

E. Prior to a contested case hearing (under the Rules of School Controversy), the rights of the Grievant's confidentiality in proceedings and records shall be respected (ARM 10.6.101 et seq. See also Ridgeway settlement agreement, page 29).

F. This procedure does not deny the right of the Grievant to file formal complaints with other state and federal agencies or to seek private counsel for complaints alleging discrimination.

G. All records pursuant to the grievance shall be maintained by the Business Manager of Yellowstone-West/Carbon County Special Services Cooperative separate and apart from student and personnel records for a period of not less than five (5) years (20-1-212 MCA).

### **III. PROCESS:**

#### Level 1: Director or Immediate Supervisor

(Informal and optional -- may be bypassed by the grievant) A student/parent/guardian with a grievance should first discuss it with the teacher, counselor, or building administrator involved, with the objective of resolving the matter promptly and informally. Employees with a grievance should first discuss it with the Director or immediate supervisor, with the same objective. This process is informal. No written record at this level will be kept.

#### Level 2: Title IX and Section 504/ADA Coordinator

If the grievance is not resolved at Level 1 and the Grievant wishes to pursue the grievance, he/she may formalize it by filing a grievance in writing. The grievance shall: 1) state the nature of the grievance; 2) state the remedy requested; and 3) be signed by the Grievant. The filing of written grievance at Level 2 must be to the Coordinator within ten (10) days of the event causing the grievance, or from the date the Grievant could reasonably become aware of such occurrence. The Coordinator shall investigate and attempt to resolve the grievance. A written report regarding the decision and/or action of the Coordinator will be sent to all concerned parties within fifteen (15) days after receipt of the written grievance.

#### Level 3: Director:

If the grievance is not resolved at Level 2, either party may process it to Level 3 by presenting a written appeal to the Director within ten (10) days of receiving the report from the Coordinator. The parties may request a meeting with the Director or the designee and the Coordinator. The meeting(s) shall be held within ten (10) days after receipt of the Director and will be sent to all parties within fifteen (15) days after receipt of the report.

#### Level 4: The Management Board

Either party may process the grievance beyond the decision reached in Level 3 by filing a written grievance within ten (10) days with the chairperson of the Management Board. Upon receiving the grievance, the matter shall be placed on the agenda of the Management Board for consideration at the next regular meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of said meeting.

#### Level 5: Rules of Controversy

Either party may appeal the decision of the Management Board by filing a Notice of Appeal with the County Superintendent of Schools within thirty (30) days after the final decision of the Board pursuant to the Rules of School Controversy (10.6.103 et seq. See also Ridgeway settlement agreement, page 29).

Adopted January, 1986

Revised August, 1992

**EMERGENCY CHAPTER 1900**  
**Adopted August 11, 2020**

## YWCCSSC

### COVID-19 EMERGENCY POLICIES

**1900**

The Management Board and YWCCSSC staff are operating under unusual, even unprecedented circumstances by virtue of the declaration of a statewide emergency by the Governor and the executive orders related to school closure to address concerns from the COVID-19 Virus and/or the declaration of an unforeseen emergency (community disaster) made by the Board.

In light of the COVID-19 pandemic, the Management Board has found it necessary to adopt temporary policies related to emergency school closures, the ongoing provision of educational services to students, meetings of the Board, gatherings on school property, health and safety of students, staff and community members, human resource matters and budgetary matters. To ensure clarity and transparency, the board has organized all emergency school policies into a temporary chapter. The Board has also included this introductory section as a heading for each policy to ensure understanding of the purpose and duration of each policy adopted pursuant to this chapter.

#### Purpose(s) of Policies

1. Ensuring that elected Management Board Members charged with the supervision and control of the YWCCSSC Cooperative, in collaboration with their staff leadership teams, make decisions that are in the best interests of students, staff and the community served.
2. Ensuring measures to protect the health and safety of students, staff and community members.
3. Addressing issues relating to student instruction and family engagement.
4. Addressing barriers to learning presented by distance.
5. Improvement of instruction/therapy in on-site, offsite, and/or on-line settings.
6. Ensuring continuity of employment of YWCCSSC staff.
7. Ensuring accountability to families with children.

#### Term of COVID-19 Emergency Measures Policies

YWCCSSC Policies Numbered 1900-1999 are intended to govern during any emergency related to COVID-19 declared by the President, Congress, Montana Legislature, Governor, Montana Department of Public Health and Human Services, County Health Department or the Management Board. The term of YWCCSSC Policies Numbered 1900-1999 shall run until terminated by a vote of the Management Board.

Legal Reference:      Executive Orders – 2-2020 and 3-2020 – Office of the Governor and accompanying Directives  
                                  Section 20-9-801-806, MCA – Emergency School Closure  
                                  Section 50-1-202-204, MCA – Public Health Laws  
                                  Section 10-3-104, MCA – General Authority of Governor  
                                  Article X, section 8 – Montana Constitution

Policy History:

Adopted on:

August 11, 2020

Reviewed on:

Revised on:

Terminated on:



# YWCCSSC

## COVID-19 EMERGENCY MEASURES

1901

### Emergency Policy and Procedures

#### Applicability of Emergency Policy Series

During a state of emergency declared by the Board or other local, state or federal agency, official, or legislative body, the provisions in the emergency policies adopted by the Board as codified at 1900-1999 in the cooperative policy manual will govern in the event of any conflict or inconsistency between an emergency policy and other provision in the district policy manual. All other aspects of the district policy manual not affected by the provisions in the emergency policy series continue to be in full effect.

#### Legal References

In the absence of a legal reference on an emergency policy adopted by the Board, the policy is specifically based on the Board authority to supervise and control the cooperative in accordance with Article X, section 8 of the Montana Constitution.

#### Adoption and Amendment of Policies

New or revised policies that are required or have required language changes based on State or Federal law or directive, required by administrative rule, or are required due to a declaration of emergency issued by the Board or other state or federal agency official or legislative body may be adopted after the first (1<sup>st</sup>) reading if notice has been given through the board agenda provided to the Management Board and public.

All new or amended policies adopted as part of the emergency policy series shall become effective immediately upon adoption; unless a specific effective date is stated in the motion for adoption.

#### Suspension of Policies

Under circumstances that require waiver of a policy, the policy may be suspended by a majority vote of the Board present. To suspend a policy, however, all Board Members must have received written notice of the meeting, which includes the proposal to suspend a policy and an explanation of the purpose of such proposed suspension.

#### Administrative Procedures

The Director shall develop such administrative procedures as are necessary to ensure consistent implementation of policies adopted by the Board of Trustees.

Legal References:     § 20-3-323, MCA     District policy and record of acts  
                               10.55.701, ARM     Board of Trustees  
                               Title 20, Chapter 9 Part 8, MCA

#### Policy History:

Adopted on: August 11, 2020

Reviewed on:

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50 Revised on:  
51 Terminated on:

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# YWCCSSC

## COVID-19 EMERGENCY MEASURES

1903

### Cooperative Meetings, Gatherings, Events, and Visitors

The Cooperative has adopted the protocols outlined in this policy to govern during the term of the declared public health emergency to ensure individuals present at a cooperative facility for events or other operationally related reasons honor safety protocols. The Director or designated personnel are authorized to implement this policy in coordination with state and local health officials. The Management Board may authorize the Cooperative physical meetings, gatherings, and events when the event is deemed essential to district operations. Physical meetings, gatherings, and events shall not be held without prior authorization of the Board. Physical meetings, gatherings, and events held on cooperative property shall be limited to outdoor areas designated by the Board. All attendees at a meeting, gathering, or event authorized by the Board held outdoors are required to honor the applicable health and safety protocols outlined in Policy 1905 including but not limited to physical distancing. The Cooperative shall provide suitable space for physical distancing to occur and, if practicable, markings and walking routes in the area where the event shall be held to preserve a safe event setting.

Vulnerable individuals (defined by the Centers for Disease Control at the time of this policy's adoption as those age 65 or older or those with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy) must not attend Cooperative meetings, gatherings, or events held in accordance with this policy. Precautions must be taken to isolate from vulnerable individuals. The Cooperative shall accommodate vulnerable individuals so they may participate in the meeting gathering or event via electronic means.

### Enforcement

Visitors to any school building or any attendee at a meeting, gathering, or event authorized by the Board in accordance with this policy who fail to honor the requirements of Policy or the directives of Cooperative officials shall be asked to correct their conduct or leave the meeting, gathering.

1 YWCCSSC

2 **COVID-19 EMERGENCY MEASURES**

1905

4  
5 The Cooperative staff will honor the district policies of the schools where they serve. The local administrators will provide the Cooperative staff and Director with their Policy 1905 prior to the 2020-2021 school year. Staff who enter buildings where CDC Guidelines are not actively implemented will depart, within 24 hours inform Cooperative administration and the local district administration, and revert to remote services.

6 Policy History:

7 Adopted on: August 11, 2020

8 Reviewed on:

9 Revised on:

10 Terminated on:

1 YWCCSSC

## 2 COVID-19 EMERGENCY MEASURES

1909

### 4 Human Resources and Personnel

5  
6  
7 The Cooperative has adopted the protocols outlined in this policy to govern during the term of  
8 the declared public health emergency to ensure clear expectations for Cooperative staff while  
9 completing their duties in a safe and healthy workplace. The director  
10 or designated personnel are authorized to implement this policy.  
11

### 12 Work Schedule and Assignment for Staff

13  
14  
15 The working conditions for the ~~certified~~ staff shall be governed by a Collective Bargaining  
16 Agreement and any applicable Memorandum of Understanding between the Unit and the School  
17 District or the individual employment contracts between the employee and the Cooperative.  
18 Staff shall comply with the emergency policies adopted by the Board and  
19 related directives from the administration unless there is a provision of a Collective Bargaining  
20 Agreement or an applicable Memorandum of Understanding that specifically governs instead of  
21 the policy.  
22  
23

### 24 Work Schedule and Assignment of Duties for Classified Staff

25 26  
34 The working conditions for-staff are governed by a Collective Bargaining Agreement,  
35 individual contract, or any applicable Memorandum of Understanding between the Unit and the School  
36 District.-Staff shall comply with the emergency policies adopted by the Board and  
37 related directives from the director unless there is a provision of a Collective Bargaining  
38 Agreement or an applicable Memorandum of Understanding that that specifically governs  
39 instead of policy.  
40  
41  
42

### 40 Personal Conduct

41  
42 This policy in no way limits or adjusts the Cooperative's expectations for staff conduct. All  
43 applicable district policies and handbook provision governing staff conduct remain in full effect.

44 Students shall have access to regular instructional services whether their therapy/instruction is provided  
 45 in an onsite, offsite, or online setting. Staff shall promptly report any suspected violation of  
 46 School District Policy or concern about student health, well-being, or safety to their supervisor  
 47 for review and referral. Students receiving instruction in an offsite or online setting are governed  
 48 by all applicable laws, including the staff obligation to report suspected child abuse or neglect.  
 49

#### 50 Compensation and Benefits

51  
 52 Staff shall continue to earn regular compensation and benefits during the period of declared  
 53 public health emergency. Payroll dates and schedules are not affected by an applicable public  
 54 health emergency.  
 55

#### 56 Evaluation of Staff

57  
 58 The Board authorizes the administration to adjust or waive the schedule for  
 59 evaluation of staff to accommodate the changes to the school calendar in response to a public  
 60 health emergency unless there is a Collective Bargaining Agreement or Memorandum of  
 61 Understanding specifying the evaluation process of a member of a bargaining unit.  
 62  
 63

#### 64 Policy History :

65 Adopted on: August 11, 2020

66 Reviewed on:

67 Revised on:

68 Terminated on:

69

## COVID-19 EMERGENCY MEASURES

1910

### Personnel Use of Leave

The Cooperative has adopted the protocols outlined in this policy to govern during the term of the declared public health emergency to inform staff about leave options. The director or designated personnel are authorized to implement this policy.

### Cooperative Leave

Staff may utilize accumulated leave granted in accordance with Montana law, District policy, a Collective Bargaining Agreement, or applicable Memorandum of Understanding through the regular procedures governing the type of leave requested.

### Federal Law Controls Federal Leave Provisions

The Board has adopted this policy and related forms on the referenced date based on the law and available federal and state guidance as of the date of such adoption. Federal and state guidance can change following adoption of this policy and forms. To the extent that any subsequently adopted guidance or federal regulation or other controlling interpretation of the law results in a conflict between such guidance, regulation or controlling interpretation and this policy or forms, the provisions of the guidance, regulation or controlling interpretation controls to the extent of any such conflict. The Cooperative shall take reasonable steps to ensure that staff are notified of any change in guidance or federal regulation or other controlling interpretation of the law that creates a conflict with any provision of this policy of forms.

### Emergency Paid Sick Leave

In accordance with Federal law, employees may be eligible for two weeks of paid sick leave capped at 80 hours paid at the employee's regular rate of pay when the employee is unable to work because the employee is quarantined in accordance with a Federal, State, or local government order or advice of a health care provider, and/or experiencing COVID-19 symptoms and seeking a medical diagnosis.

Employees may be eligible for two weeks of paid sick leave capped at 80 hours paid at two-thirds the employee's regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine in accordance with a Federal, State, or local government order or advice of a health care provider, or to care for a child under 18 years of age whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by

47 the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and  
Labor.

48 Eligible employees may request leave available under the Families First Coronavirus Response  
49 Act by completing Policy 1910F1 –Emergency Paid Sick Leave

47  
48 Emergency Family Medical Leave

50  
49 Employees may be eligible for up to an additional 10 weeks of paid expanded family and  
50 medical leave at two-thirds the employee's regular rate of pay when the employee, who has been  
51 employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to  
52 care for a child whose school or child care provider is closed or unavailable for reasons related to  
53 Covid-19. Eligible employees may request leave available under the Families First Coronavirus  
54 Response Act by completing Policy 1910F2 – Emergency Family Medical Leave.

55  
56  
Legal Reference: Families First Coronavirus Response Act 24

57  
58 Policy History:

59 Adopted on: August 11, 2020

60 Reviewed on:

61 Revised on:

62 Terminated on:



## YWCCSSC - EMPLOYEE REQUEST FORM - EMERGENCY PAID SICK LEAVE

Employees may be entitled to Emergency Paid Sick Leave in accordance with the Families First Coronavirus Response Act (FFCRA) if the employee satisfies eligibility standards. Employees can complete this form and submit it or any questions to \_\_\_\_\_ at \_\_\_\_\_.

Employee Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_

Home Phone Number: \_\_\_\_\_ Alternate Phone Number: \_\_\_\_\_

Anticipated Begin Date of Leave: \_\_\_\_\_ Expected Return to Work Date: \_\_\_\_\_

### **EMPLOYEE REQUEST FOR LEAVE AT FULL PAY**

Employees satisfying one of the three standards noted below are eligible for two weeks of leave capped at 80 hours paid at the employee's full regular compensation rate. For a part-time employee it is the number of hours equal to the average number of hours that the employee works over a typical two-week period. Please select the applicable reason and follow the related instructions.

I am unable to work or telework for the following reasons:

- 1 I am quarantined pursuant to Federal, State, or local government order.
- 1 I am quarantined on the advice of a health care provider.
- 1 I am experiencing COVID-19 symptoms and seeking a medical diagnosis.

*Please attach the applicable government order or documentation from medical provider corresponding to the item(s) selected.*

### **EMPLOYEE REQUEST FOR LEAVE AT 2/3 PAY**

Employees satisfying one of the three standards noted below are eligible for two weeks of leave capped at 80 hours paid at the 2/3 of the employee's regular compensation rate. For a part-time employee it is the number of hours equal to the average number of hours that the employee works over a typical two-week period. Please select the applicable reason and follow the applicable instructions.

I am unable to work or telework for the following reasons:

- 1 I need to care for an individual subject to quarantine pursuant to Federal, State, or local government order or advice of a health care provider. I represent that no other person will be providing care for the individual during the period for which the I am receiving Emergency Paid Sick Leave.

Name(s) of the individual(s) being cared for: \_\_\_\_\_

- 1 I am experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

*Please attach the applicable government order or documentation from medical provider corresponding to the item(s) selected.*

- 1 I am unable to work or telework because I need to care for my child under age 18 because my child's elementary or secondary school, childcare provider, or child's place of care has been closed or is unavailable due to a public health emergency. During this period of unavailability or closure, I represent that no other person will be providing care for my child during the period for which I am receiving Emergency Paid Sick Leave.

*Section Continued from previous page*

Name(s) and Age(s) of Child or Children: \_\_\_\_\_

If the age of one or more of the child is between 14 and 18, the following special circumstances exist requiring me to care for the child during daylight hours: \_\_\_\_\_

*Please attach notice or documentation related to the unavailability of the school, daycare, place of care or person providing care to the child. The YWCCSSC reserves the right to request confirmation regarding the nature of the closure or unavailability.*

*If you are requesting 2/3 paid leave in conjunction with Emergency FMLA to care for a child under the age of 18 affected by school or care closure due to public health emergency, please complete an EFMLA form to submit with this form.*

#### **SUPPLEMENT 2/3 PAY WITH ACCRUED DISTRICT LEAVE**

An employee on Emergency Paid Sick Leave at 2/3 pay as noted above, may choose to supplement the 2/3 pay provided through Emergency Paid Sick Leave with accrued District leave to earn full compensation. Please indicate if you would like to use paid leave during your Emergency Paid Sick Leave absence to supplement your 2/3 Emergency Paid Sick Leave compensation. Requested leave is subject to availability based on confirmation by the YWCCSSC.

1 Vacation: \_\_\_\_\_ Hours      1 Sick Leave: \_\_\_\_\_ Hours      1 Personal: \_\_\_\_\_ Hours

#### **EMPLOYEE CERTIFICATION AND SIGNATURE**

I certify that the above information is accurate and complete. I understand that if I fail to report for work on or before the scheduled return date indicated above or fail to communicate changes in the schedule with my supervisor, I may be subject to discipline in accordance with YWCCSSC Policy.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### **FOR YWCCSSC USE ONLY**

Request Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Leave Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

Period of Leave: \_\_\_\_\_

Duration and Type of Supplemental Leave to Earn Full Pay Approved: \_\_\_\_\_

*YWCCSSC will retain all records related to this leave request for at least 4 years for auditing*

**YWCCSSC- EMPLOYEE REQUEST FORM - EMERGENCY FMLA**

Employees may be entitled to Emergency FMLA (EFMLA) in accordance with the Families First Coronavirus Response Act (FFCRA) if the employee satisfies eligibility standards. Employees can complete this form and submit it or any questions to \_\_\_\_\_ at \_\_\_\_\_.

Employee Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_

Home Phone Number: \_\_\_\_\_ Alternate Phone Number: \_\_\_\_\_

Employment Start Date: \_\_\_\_\_ Employees must have worked for YWCCSSC for 30 days to be eligible for EFMLA.

Expected Begin Date of Leave: \_\_\_\_\_ Expected Return to Work Date: \_\_\_\_\_

**REASON FOR LEAVE**

Employees satisfying the standards noted below are eligible for 12 weeks\* of leave. The first two weeks of the leave are unpaid unless the employee selects available options in the next box. The remaining 10 weeks of leave are paid at 2/3 of the employee's regular compensation rate unless other options are selected on this form. Please select the applicable reason and follow the applicable instructions.

1 I am unable to work or telework because I need to care for my child under age 18 because my child's elementary or secondary school, childcare provider, or child's place of care has been closed or is unavailable due to a public health emergency. During this period of unavailability or closure, I represent that no other person will be providing care for my child during the period for which I am receiving EFMLA.

Name(s) and Age(s) of Child or Children: \_\_\_\_\_

If the age of one or more of the child is between 14 and 18, the following special circumstances exist requiring me to care for the child during daylight hours: \_\_\_\_\_

*Please attach notice or documentation related to the unavailability of the school, daycare, place of care or person providing care to the child. YWCCSSC reserves the right to request confirmation regarding the nature of the closure or unavailability.*

*\* An employee who qualifies for and utilizes the Emergency Paid Sick Leave provisions of the FFCRA, is entitled to an additional 10 weeks of Emergency FMLA. Direct questions about or requests for this leave to the staff member noted above.*

**SUBSTITUTION OF PAID LEAVE FOR FIRST TEN DAYS OF EFMLA**

In accordance with the FFCRA, the first ten days of EFMLA is unpaid, however you may be eligible to use Emergency Paid Sick Leave provided through the FFCRA to cover this period at 2/3 of full pay. In the event you have already used Emergency Paid Sick Leave, you are permitted to use available District-provided paid leave to cover this period at full pay. Please indicate if you would like to use paid leave during the first 10 days of your absence and how many hours you plan to use. Requested leave is subject to availability based on confirmation by the YWCCSSC. If requesting Emergency Paid Sick Leave, please complete and submit an Emergency Paid Sick Leave form.

1 Vacation: \_\_\_\_\_ Hours      1 Sick Leave: \_\_\_\_\_ Hours      1 Personal: \_\_\_\_\_ Hours      1 FFCRA: \_\_\_\_\_ Hours

**SUPPLEMENT 2/3 PAY WITH ACCRUED DISTRICT LEAVE**

An employee may choose to supplement the 2/3 pay provided through EFMLA with accrued District leave to earn full compensation. Please indicate if you would like to use paid leave during your EFMLA absence to supplement your 2/3 EFMLA compensation. Requested leave is subject to availability based on confirmation by YWCCSSC.

1 Vacation: \_\_\_\_\_ Hours      1 Sick Leave: \_\_\_\_\_ Hours      1 Personal: \_\_\_\_\_ Hours



**CONTINUOUS OR INTERMITTENT LEAVE**

After completing the first ten days of EFMLA, an employee may choose to take 10 weeks of continuous leave under EFMLA for the reason indicated above. Continuous leave means the employee will not complete any District duties during this period but will be compensated based on the options selected above.

An employee may also choose to take 10 weeks of intermittent leave. Intermittent leave means an employee will complete some District duties on a modified schedule as approved by the employee's supervisor. When using intermittent leave, the employee will receive full regular pay for hours worked and 2/3 of regular pay during periods on EFMLA unless supplemented in a manner noted above.

I am requesting (choose one):      1 Continuous leave      1 Intermittent leave

If your need for leave is intermittent, please describe the requested schedule for your intermittent leave: \_\_\_\_\_

**EMPLOYEE CERTIFICATION AND SIGNATURE**

I certify that the above information is accurate and complete. I understand that if I fail to report for work on or before the scheduled return date indicated above or fail to honor the intermittent EFMLA schedule I may be subject to discipline.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR YWCCSSC USE ONLY**

Request Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Leave Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

Period of Leave: \_\_\_\_\_

Intermittent Leave Schedule if applicable: \_\_\_\_\_

Duration and Type of Substituted Leave for First Ten Days Approved: \_\_\_\_\_

Duration and Type of Supplemental Leave to Earn Full Pay Approved: \_\_\_\_\_

*YWCCSSC will retain all records related to this leave request for at least 4 years for auditing purposes.*



## **PART THREE: PROCEDURES MANUAL**

Adopted August 2015

## **A STATEMENT OF PHILOSOPHY OF THE COOPERATIVE**

This Cooperative has a philosophy of providing quality Special Education and Related Services to eligible students residing within the Cooperative boundary. It is the intention of this Cooperative to look at the whole child when designing specialized services for him or her. Every effort will be made to place each child referred and placed in Special Education in the least restrictive, appropriate placement.

## **PURPOSE**

The purpose of the Special Education Procedures Manual is to assist school personnel to understand and practice consistency with Federal, State, and District requirements. Consistent with its mission, the Cooperative is committed to ensure compliance with such procedures. It is expected that personnel within the Cooperative and the schools it provides service will serve students with disabilities and their families in a manner consistent with this manual.

This manual is designed to be used as a:

- Structured process for implementing special education procedures
- Reference for answering questions
- Staff development tool

## **CONFIDENTIALITY**

Confidentiality is a very important issue, when delivering special education services. Staff has access to a wealth of sensitive information pertaining to individual students. All such information is privileged and confidential, and correspondingly must be managed with extreme care. As with all school records, the Family Educational Rights and Privacy Act (FERPA) regulations define the limits of student confidentiality.

The specific areas of concern within special education are:

### **SPECIAL EDUCATION RECORDS**

The Administrative Rules of Montana (10.16.3560) identifies the types of documentation that is required to be maintained in the student's special education record. These records must be stored in a locked filing cabinet. Only persons with a legitimate educational interest can review these records. Each file contains an access log, which must be signed and dated. On the log the reason for reviewing the records must be documented.



*Having access to this information goes with the understanding that the information is to be treated as privileged and a matter of confidentiality.*

### **INDIVIDUALIZED EDUCATION PROGRAM (IEP) MEETINGS**

At times, parents may share personal information during an IEP meeting. This information shared during an IEP meeting is also confidential, even though it may not become a part of the official IEP minutes or records.

*IEP meeting information is to be treated as privileged and a matter of confidentiality.*

### **THE SPECIAL EDUCATION PROGRAM**

The school special education program is usually very busy, as so many people are involved in determining an appropriate education for a student with a disability. Conversations and consultations frequently take place between team members. Members may include school social workers, school psychologists, school nurses, and outside consultants. These comments and conversations are confidential and should not be discussed with others.

*All conversations and consultations are to be treated as privileged and a matter of confidentiality. You must not discuss specific classroom or student situations with other people not having a legitimate educational interest.*

### **PARENTS AND THE COMMUNITY-AT-LARGE**

Staff will have frequent contact with parents in the school setting and the community. It is important to remember that confidentiality applies in the community-at-large, as well as the schools. In the past, lawsuits have been initiated by parents on behalf of students, due to this breach of confidentiality. Conversations pertaining to specific students have been overheard in public areas. The best way to avoid any such confrontation is to respect the confidentiality of each student. Conversations regarding specific students must be confined to the school setting and occur only with adults directly and legitimately involved with the student.

## **INTERVENTION IN THE GENERAL EDUCATION SETTING**

Early intervention and recognition of students' unique needs is always encouraged. A local school team like an RTI or an Early Intervention Team should be established to identify any problem(s), that a student may be exhibiting, and to design any intervention(s) to address the problem. A tool the Cooperative encourages using at this stage is the Pre-referral Problem-solving Form. This form encourages the gathering of comprehensive information and promotes early intervention. Once problems are identified, members of the school team

brainstorm possible individualized, effective, data-driven, generally school-based interventions. The school team conducts follow-up meetings to evaluate the effectiveness, consistency, and integrity of the implementation of the intervention. If the intervention has been consistently implemented and effective in improving the student's academic performance or classroom behavior, then a referral for a special education evaluation would not be appropriate. If the data gathered, shows a slow rate of improvement, a referral for an initial special education evaluation could be made.

If a referral for evaluation will be made, the school team and classroom teacher are responsible for completing the referral documents, including attaching minutes of all early intervention meetings.

### **RTI AND INTERVENTION**

RTI is the practice of providing high-quality instruction and interventions matched to student need and monitoring progress frequently to make decisions about instructional changes or goals based on the student's response data. RTI is applied to all educational decisions in general, special, and remedial education. Student outcome data guides the integrated instruction/intervention system.

Many of the Cooperative schools are using progress monitoring tools such as AIMSweb and MAP to gather the outcome data. A tiered approach that uses 3 levels of instruction; the first level being core curriculum, the second level consisting of strategic targeted intervention and the third level consisting of intensive targeted interventions is recommended.

The outcome data is also used to make the decision whether to refer a student for a comprehensive evaluation to determine special education eligibility. Those students are the most at-risk at Tier 3 who have not responded sufficiently to any level of instruction or interventions at either Tier 1 or Tier 2 should be referred. The duration of Tier 3 interventions is extended over a period of time which varies based on student assessment and progress monitoring data. After carefully reviewing the outcome data, the school team can make the decision to refer the student for an evaluation to consider eligibility for special education services. The Cooperative cautions teams to carefully consider the length of a Tier 3 intervention which is not yielding progress.

### **COMMENTS ON INTERVENTIONS**

Although school teams like RTI or Early Intervention Teams are generally responsible for interventions prior to referral for evaluation, special education teachers may be members of the team and participate in the intervention process. Some guidelines about interventions include the following:

- Interventions should be related to the area of concern.
- The area of concern should be defined in observable and measurable terms.
- Interventions should produce measurable results.
- Interventions should be individualized.
- Interventions should be proven to be effective.
- Interventions need to be implemented with fidelity.
- Interventions should be school-based.

## ACADEMIC SCREENING PROCESS

### **AUDIOLOGICAL SCREENING**

The Cooperative provides its member schools with a yearly audiological screening. It is provided to grades Kindergarten, First, Fifth, and Tenth Grades as well as to any other students who need to be screened. Parents must provide permission. A Parent Consent form is included in section 4. The school is provided with the results of the screening for further follow-up.

The Cooperative conducts vision screenings upon request. Cooperative vision screening equipment is available to member schools for their use. Specific screenings of entire grades is normally provided by school nurses.

### **SPEECH SCREENING**

Each school district must provide for screening of their students to determine possible speech and/or language problems. The following standard screening process will be followed by all schools within the Cooperative.

1. The Speech-Language Pathologist shall be responsible for providing in-service training to local district personnel in the identification of students with potential speech-language problems.
2. All students will be screened in kindergarten.
3. Re-screening in the first grade will take place on all students identified as having possible speech-language problems detected in the past.
4. Screenings will take place on students referred above kindergarten.
5. Building Administrators/Lead Teachers will refer for screening, within two weeks, any new students whose records show they have had Special Education or Speech services within the past two years.
6. The Special Education teacher will notify the Speech-Language Pathologist within one week of a Special Education referral so that the student can be screened for possible speech-language concerns.

#### AREAS TO BE SCREENED:

- a. Articulation
- b. Auditory memory
- c. Association
- d. Vocabulary
- e. Syntax

- f. Voice quality
  - g. Fluency
  - h. Spontaneous language
7. A general notification outlining the screening process for all areas of Special Education will be sent home with students immediately after school begins.

### **EARLY CHILDHOOD SCREENING**

Early Childhood Clinics/Child Find Screenings identify children from ages 0-6 years for possible difficulties in the areas of speech and language, cognition or readiness, socialization and fine and gross motor skills. Hearing, vision, and general health are also checked. The Denver Developmental Screening Test (DDST) is used to measure the performance of children ages 3 years and younger. Developmental Indicators for the Assessment of Learning - IV (DIAL-IV) is used to measure performance of children ages 3 to 6 years.

Upon registering their children, parents will be given a brief explanation of the screening process and the developmental areas to be screened. A summary and interpretation of test results will be provided to the parent during the exit interview. The parent(s) of those children referred for further evaluation will be contacted by the Yellowstone-West/Carbon County Special Services Cooperative or the school district's special education teacher.

Notice of Early Childhood Screenings will be published in local newspapers or other media.

### **PRESCHOOL**

Preschool students are those children ages three through five, who have been identified as having a disability. The schools districts in which the children reside are responsible to provide services to these children if they are found eligible.

It is the policy of the Yellowstone-West/Carbon County Special Services Cooperative and its member schools to provide Special Education services to all eligible preschool children, 3 years of age to kindergarten eligible. Personnel serving preschool children may include, but are not limited to, the following:

1. Speech-Language Pathologist
2. Physical and Occupational Therapists
3. Cooperative School Psychologist
4. District Special Education Teacher
5. District Administrator

An Evaluation Team will determine if a child qualifies for and is in need of preschool Special Education services. The Evaluation Team is to be made up of at least the following individuals:

1. The parents
2. The District Special Education Teacher
3. The Building Administrator/Lead Teacher from the child's district of residence, and/or the Cooperative Director
4. If possible, the Family Support Specialist from the Part C referring agency.

### **GUIDELINES AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR PRESCHOOL SPECIAL EDUCATION SERVICES**

The Evaluation Team must first consider eligibility for a 3 to kindergarten eligible student under one of the 13 disability criteria as described in the Montana Administrative Statutes and Rules for Special Education. For those students not meeting any of those criteria, the team then considers eligibility as child with a "Developmental Delay." Under this non-categorical label the child must show a significant delay of 2 or more standard deviations below the norm in any ONE of the following areas of development OR 1.5 or more standard deviations below the norm in TWO OR MORE of the following areas of development:

- a. Adaptive functioning skills
- b. Communication development
- c. Social and emotional development
- d. Cognitive development
- e. Physical development

Documentation of a "Developmental Delay" must include:

- Appropriate developmental assessment that addressed each of the areas above.
- Observation of the student's communication development and social and emotional development in a classroom or other group setting.

The Preschool special education procedures and policies for The Evaluation Report and The Individualized Education Program are the same as those for the school-aged population.

## **THE SPECIAL EDUCATION PROCESS**

### **REQUEST FOR EVALUATION: REFERRAL**

In most cases, the initial request for a special education evaluation will begin with school team's intervention process. This process is the responsibility of general education, but the teams can be composed of general education and special education personnel. When the concern that the school intervention team is considering involves a specific related service area, that team should consult with the specialist in that area. The Cooperative personnel are available to offer advice regarding recommended screening and/or testing. Their involvement in assessment planning prior to completion of the Evaluation Plan is highly recommended.

Any staff member who believes that a student has or may have a disability and requires special education and related services may make a formal request for a special education assessment. The request is documented on the Referral form within the AIM system.

The formal process of determining if a child is eligible for special education and related services begins with the initial Request for Evaluation or Referral. The referral form is used to document information, regarding the student's current educational status, the results of interventions that have been attempted; the reason the student is being referred for testing, and the signature of the person making the referral. Most often the regular classroom teacher will complete this form. Collaboration with a special educator is strongly encouraged.

At times, a parent will request that a student be evaluated for special education eligibility. In these cases, the classroom teacher will notify the building administrator and begin the process of completing the referral form. In this case, the parent will sign the Referral Form as the person making the referral. A parent request for an evaluation cannot be delayed by requiring the initiation of a school intervention team process. The school district must proceed with the evaluation without undue delay, or make a determination that the evaluation will not be conducted. If a parent requests an evaluation, the school district may review the information that is currently available regarding the student and determine that an evaluation is not warranted. If the district makes such a determination, the administrator in the district must provide the parent with prior written notice of that determination. The parent then may pursue a due process complaint against the district, or may request an Independent Education Evaluation at the school district's expense.

If parents obtain an evaluation from a source outside of the school and present the results of the outside evaluation to the district, the school district will consider that information as a parental request for an evaluation. This

information will be considered in the course of determining if an evaluation is necessary, or in determining what assessments the school district will conduct.

## EVALUATION PLAN

The Evaluation Plan document serves two (2) purposes. First, it provides notice to the parents of the school's intent to conduct an evaluation or re-evaluation of the student. This notice is required under the IDEA, and the Evaluation Plan serves as documentation, that the required notice was provided. The second purpose is to document the parent's permission to conduct the evaluation. The IDEA requires informed consent from the parents, prior to the administration of any diagnostic assessments. This means that the parent has been informed of the types of assessment procedures, that will be used and the reasons that assessments are being conducted.

The Evaluation Plan form must be completed prior to seeking the parent's permission for the evaluation. The form must state clearly why the District is seeking to conduct the evaluation. For initial evaluations, this information can be taken directly from the Referral form and should be stated in terms understandable to the parent.

The Evaluation Plan form must also clearly identify the areas in which assessments will be conducted. This is accomplished by checking the boxes that coincide with the assessment area on the form. **An initial comprehensive evaluation must assess all areas of suspected disability.** Classroom-Based Assessments and Observations are required for all evaluations. The other assessment areas should be selected, based upon the information that is needed by the team.

**There must be 100 percent agreement between the areas of assessment, that are indicated on the Evaluation Plan and the assessment areas that are reported on the Evaluation Report (ER) summary.** This means, that only areas in which assessments will be conducted, should be marked on the Evaluation Plan. It is not permissible to indicate, that testing will be conducted in an area "if needed." This practice does not meet the requirements of informed consent. If, after having the Evaluation Plan signed by the parent, it becomes apparent, that additional areas of assessment are needed, a new Evaluation Plan must be signed by the parent. **The Evaluation Plan form should not be modified in any way after the parent has signed the form. This is true for all special education forms.**

It is not necessary to indicate on the Evaluation Plan the specific instruments, that will be used to conduct the assessments, and this practice is discouraged. If a specific test instrument is listed under an assessment area, the permission for evaluation is specific to that instrument. If it is later determined that the instrument listed is not valid for a reason, a new Evaluation Plan must be

developed and permission granted for the new assessments by the parent. The notice requirement only requires that the Evaluation Plan indicate the general areas in which assessments will be conducted, not the specific instruments that will be used. This allows the school professionals to determine which instruments are appropriate to use and to use multiple instruments, if needed. The Evaluation Plan should be developed *through the consultation of all persons responsible for conducting the assessments.*

For initial evaluations, all assessments noted on the Evaluation Plan form must be completed within sixty (60) calendar days of the date that the school receives the parent's permission to conduct the evaluation. Weekends, holidays, and school vacations are counted toward the 60-day timeline. The Evaluation Plan must indicate the date on which the signed form was received from the parent. If the date received is not marked, the date indicated next to the parent's signature will be used to determine the extent of the 60-day timeline. At times, it may be necessary to delay obtaining the parent's permission for the evaluation for a short time. School personnel will not unnecessarily delay the evaluation of students by not seeking permission for the evaluation.

This 60-day timeline does not apply under certain circumstances. If a student transfers from one school to another school district with a signed Evaluation Plan, and the assessments have not been completed, the timeline does not apply. The timeline also does not apply, if because of poor attendance, the student is not made available for the testing. In either case however, the evaluation process will be completed within a reasonable amount of time.

For re-evaluations, the three-year timeline still applies. The needed assessments must be completed, and the ER meeting held within three (3) years of the previous evaluation, *unless the parent and school district agree, that a re-evaluation is unnecessary.* This determination is made during the development of the student's annual Individual Education Plan (IEP). The Evaluation Plan may be developed, and the parent's consent obtained, during the annual IEP meeting. The school district will complete the required assessments prior to the next annual IEP meeting, or sooner if the team determines that the evaluation should not be delayed. *The IEP team should consult with any specialist that might be conducting assessments, prior to completing the evaluation plan.*

The parent's permission for the evaluation does not have a specific expiration date. Once the parent grants their permission for the evaluation, that permission remains in effect until the evaluation is completed (ER held) or until the parent specifically rescinds his/her permission in writing. The parent cannot rescind permission for assessments, which have already been conducted.



The school district will conduct a reevaluation of the student when one is requested by the parent, or when the school district determines a reevaluation is necessary, but in no case more frequently than one time per year.

If the parent(s) refuse to provide consent for an initial evaluation, the referral form and accompanying documentation will be placed in the student's cumulative folder. The school district will determine if it is appropriate to pursue a due process complaint.

If the parent(s) refuse to provide consent for a reevaluation, the case manager will notify the student's administrator/Superintendent and will continue to seek the parent's consent. If the school district is unable to obtain parental consent within a reasonable time, the district will notify the parents in writing that the evaluation will occur and will then proceed to conduct the assessments that the IEP team has determined are necessary.

### **SPECIFIC TASKS**

If a comprehensive evaluation is necessary:

1. The classroom teacher making the referral (or other designated person, i.e. Building Administrator, Lead Teacher) will call the student's parent(s) to explain the reason why the referral was made and an evaluation indicated. The school will provide a copy of the booklet **Procedural Safeguards in Special Education under IDEA** to the parent(s) in a reasonable time before the school---
  - 1) proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of free, appropriate public education to the student; or
  - 2) refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of free, appropriate public education to the student.

The OPI form EVALUATION PLAN: Notice of Intent to Conduct an Evaluation or Reevaluation and Permission for Evaluation or Reevaluation and the Procedural Safeguards booklet should be explained to the parents prior to having it sent home for parental signature. Only after several reasonable attempts are made to contact the family will these forms be mailed or sent home without advance notice.
2. The special education teacher should be given the name of any student whose family will be contacted for permission to evaluate prior to phoning or writing them.
3. The EVALUATION PLAN: Notice of Intent to Conduct and Evaluation or Reevaluation and Permission for Evaluation or Reevaluation form and Procedural Safeguards booklet shall be sent home with the student or mailed (whatever is more appropriate on an individual basis).

4. **Specific diagnostic duties are decided upon by *all* Special Education personnel involved with a referral.** The special education teacher will contact other related service providers like speech pathologists, occupational therapists, and physical therapists. It is the responsibility of the School Psychologist in coordination with the case manager to see that all testing and observations are completed before any Evaluation Team meeting takes place. In the case of a Speech – only referral, the Speech Language Pathologist and case manager will coordinate to ensure all testing and observations are completed before any Evaluation Team meeting takes
5. The special education teacher shall submit copies of the following items to the Cooperative Office prior to the assignment of a school psychologist to the student:
  - (a) all documentation to support the need for a referral,
  - (b) completed Referral for Comprehensive Educational Evaluation form
  - (c) completed EVALUATION PLAN: Notice of Intent to Conduct an Evaluation or Reevaluation and Permission for Evaluation or Reevaluation form **as soon as it is signed**. The form may be faxed, 839-2345, or hand delivered. Forms should not be placed in US Postal mail. DO NOT DELAY.
6. The special education teacher documents the date upon which the signed EVALUATION PLAN: Notice of Intent to Conduct an Evaluation or Reevaluation and Permission for Evaluation or Reevaluation form is received.
7. Cooperative policy requires that the eligibility team must determine if the student is a child with a disability within 60 calendar days of receiving parental consent for an initial evaluation. Regulations state that all testing must be completed within this 60-day window for initial evaluations. The 60-day timeline does not apply if the parent repeatedly fails or refuses to produce the child for evaluation. Contact the Cooperative Director if there are any extenuating circumstances that might affect this deadline. Individual achievement tests are completed by the special education teacher so that information is provided to the school psychologist in enough time prior to the scheduled Evaluation Team meeting.

## ASSESSMENT AREAS

### ACADEMIC ACHIEVEMENT

This area includes individually-administered diagnostic tests in early literacy, reading, language, math, and written language to determine skills in the above areas. This area includes such assessments as the Woodcock-Johnson Tests of Achievement (Woodcock), Wechsler

Individual Achievement Test (WIAT), Wide Range Achievement Test (WRAT), etc.

This area does not include group-administered achievement tests.

### **ASSISTIVE TECHNOLOGY/SERVICES**

Assessment and/or observation of the student are conducted to determine the student's needs for assistive technology devices or services to benefit from the special education and related services.

### **BEHAVIORAL**

Assessment and/or observe student to identify supports and strategies to address behavioral needs. This area includes assessment and / or observations to identify supports and strategies to address behavioral needs. This area is checked when the team feels, that it is necessary to conduct a more in-depth evaluation to determine why a particular behavior is occurring, or the function that behavior serves in order to develop a more effective Positive Behavior Intervention Plan for the student.

### **CLASSROOM-BASED ASSESSMENT**

*This area is required for every evaluation.* Information gathered regarding the child's involvement and progress in general education curriculum (i.e., reading, math, etc.). The information required for this area is provided by the child's classroom teacher(s) and must describe the child's ability to apply the academic skills, which they have in that setting.

### **COMMUNICATION**

This assessment area is checked when there are concerns, regarding the child's oral language and/or communication skills. Assessments in this area include individual tests of speech and/or receptive and expressive language skills, language processing, and communications skills. A speech pathologist should be involved in your collaboration prior to generating an Evaluation Plan which includes an assessment of this area.

### **DEVELOPMENTAL**

Typically, developmental assessments are *only conducted on preschool-aged children*. This area includes individually-administered tests and / or structured observations, measuring typical child development.

### **OBSERVATIONS**

*This area is required for all evaluations.* For initial evaluations of students, who are suspected of having a learning disability, the observation of the student is conducted by someone other than the

student's classroom teacher. This observation must occur during activities, which are related to the area of suspected disability (i.e., during reading instruction, during the math lesson, etc.). For all other evaluations, the observations of the staff, who work with the child, are recorded.

### **PHYSICAL**

This area is checked, if there are concerns, regarding the student's visual and hearing acuity, or gross and fine motor development. This area does not need to be marked for students to participate in the usual district-wide screenings of hearing and vision. This area is also marked for students with blindness or visual impairment to assess their needs for orientation / mobility training or Braille instruction. An occupational therapist and / or a physical therapist should be involved in your collaboration prior to generating an Evaluation Plan which includes an assessment of this area.

### **PSYCHOLOGICAL**

This area refers to individually-administered intelligence tests and measures of adaptive behavior, which is designed to help determine the student's ability to function in an academic setting.

### **SOCIAL AND EMOTIONAL**

This area is checked when there are concerns, regarding the student's emotional status or social skills. Assessments in this area include checklists, tests, and observations, as appropriate.

### **TRANSITION**

This area is checked for students age 15 or older when transition assessments in the areas of education, training, employment, and independent living skills will be conducted as a part of the evaluation to determine the student's eligibility.

### **OTHER**

This area is used to indicate any other assessments, that will be conducted, which do not fall into one of the areas described above. This is only checked for assessments to be administered by the school, the Cooperative, or an entity contracted by either.

## MEETING NOTICE

The Cooperative Schools value the participation of parents in the Special Education process and strive to include parents in every meeting, regarding their child. IEP meetings are scheduled at a mutually-agreed upon time and place to facilitate parent involvement. When scheduling a meeting, the case manager should contact the parent by phone, when possible to determine the time for the meeting. If it is not possible to contact the parent by phone, the case manager will notify the parent in writing of a suggested time and place for the meeting, and the case manager will ask for a response to verify the parent's intention to attend. This contact can utilize the services of each building/site's home-school visitor.

The student's case manager is responsible for scheduling Evaluation Report meetings (ER) and Individualized Education Program (IEP) meetings. Meetings must be scheduled with the parents at a mutually-agreed upon time and place, and the parents must be provided with written notice, which describes the purpose of the meeting, the time, and the location; topics to be discussed; and, who will be in attendance. The notice must also inform the parent, that they may invite other individuals, who have special knowledge or expertise regarding the student, to attend the meeting. The school district staff will use the Meeting Notice form provided in the Special Education module of the AIM system.

When completing the Meeting Notice form, the case manager will indicate the date, time, and location of the meeting, as well as indicating if the meeting will be an ER meeting or an IEP meeting. When indicating who will be in attendance at the meeting, it is not necessary, or desirable, to indicate the names of the persons. Rather, it is sufficient to indicate only the particular roles of the people (i.e., regular education teacher, special education teacher, etc.). For students, who are age 15 and older, the Meeting Notice must indicate, that the student will be invited to participate in the meeting to discuss transition needs and services.

The Meeting Notice is sent to the parent via USPS Mail, by sending it home with the student, by sending it home with the home-school visitor, or via electronic mail, if the parents agree to that mode of communication. The case manager must also notify each regular education teacher of the student, administrator (or designee), specialist, and other personnel (as appropriate) of the date, time, and location of the meeting. A copy of the Meeting Notice is filed in the student's special education record.

If the parent does not attend a meeting, *for which they had agreed to a time and place*, the case manager will contact the parent and reschedule the meeting for another date and time. If the parent fails to attend the second meeting, the meeting would be held without the parent, and the parent will be notified of the results of the meeting.

**For initial ER and IEP meetings, parents must be involved.**

If a meeting for a Re-evaluation is held without the parent in attendance, the district must keep a record of its attempts to arrange a mutually agreed on time and place. Such a record would include detailed records of telephone calls made or attempted and the results of those calls, and copies of correspondence sent to the parents and any responses received; as well as other detailed records of visits made to the parent's home or place of employment and the results of those visits. If parents refuse or choose not to attend this meeting, mail or hand deliver to them copies of the proceedings of the meeting, along with all pertinent forms to sign. Appropriate special education or general education staff must be available to explain the information to the parent(s).

The responsibility of the Evaluation Team is to determine if the child has a disability and further, if he/she is in need of Special Education services. Anyone who has relevant information to contribute should be included in the meeting.

### **EVALUATION REPORT (ER)**

The Cooperative has adopted The Special Education in Montana/ "One Guide" published by the Office of Public Instruction as the policy and procedures manual for the evaluation and identification process for special education services.

The Evaluation Report (ER) team is the group of individuals, who evaluate the assessment information gathered regarding the child and determine if the child is, or continues to be, a child with a disability, and whether the child needs special education services. This team is composed of the following individuals:

- The parent(s) of the child;
- 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, if appropriate, at least one special education provider of the child;
- If the student is being evaluated for a specific learning disability, at least one person qualified to conduct individual diagnostic examinations of children. A school psychologist is required; a speech-language pathologist or remedial reading teacher is also advised.
- An administrator or designee who –
  - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (ii) Is knowledgeable about the regular curriculum; and

(iii) Is knowledgeable about the availability of resources of the public agency.

(See Part 4 for Administrative Substitute Guidelines.)

- An individual who can interpret the instructional implications of evaluation results, who may be one of the described members of the team;
- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- The student, if appropriate.

The following specialists are also required for the *initial evaluation* only:

LD: school psychologist\*, speech-language pathologist

CD: school psychologist

SI: speech-language pathologist

ED: school psychologist

HI: speech-language pathologist, audiologist

TB: school psychologist, speech-language pathologist

DE: speech-language pathologist, audiologist

DB: speech-language pathologist

AU: school psychologist, speech-language pathologist

\* MCA 10.16.3321 states a school psychologist must be included.

The minimal composition of a Speech-Language Evaluation Team shall include the following:

- (a) speech-language pathologist,
- (b) regular classroom teacher,
- (c) parents, and
- (d) administrator or designee.

The minimal composition of the Evaluation Team members at the reevaluation meeting to determine continued eligibility and need for special education services include the IEP team:

- The parent(s) of the child;
- One regular education teacher *of the child* (if the child is, or may be, participating in the regular education environment);
- One special education teacher *of the child* or, if appropriate, at least one special education provider of the child;
- One teacher or other specialist knowledgeable in the area of the suspected disability, such as a school psychologist, speech-language pathologist, or remedial reading teacher.
- An administrator or designee who –
  - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (ii) Is knowledgeable about the regular curriculum; and

(iii) Is knowledgeable about the availability of resources of the public agency.

- An individual who can interpret the instructional implications of evaluation results, who may be one of the described members of the team;
- Other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- The student, if appropriate.

The minimal composition of the Evaluation Team when an already identified child is being considered for *a different or an additional category of disability* includes the IEP Team and those additional Evaluation Team members who are required for an initial evaluation in the category of disability under consideration.

In conducting the ER meeting, it is useful to follow a simple agenda.

1. Introductions.
2. Check for understanding of the Procedural Safeguards.
3. Statement as to the role and function of the Evaluation Team Meeting.
4. Statement on the concerns present which initiated the referral. This statement preferably made by the referring educator.
5. Classroom teacher provides referral information and present level of classroom functioning.
6. Parent asked to comment on child's educational background, medical history, attitude toward school and any other relevant information.
7. Specialist reports: (Speech-Language, School Psychologist, Special Education teacher)
  - a. Classroom observations will be included for all evaluations.
  - b. Social/emotional data is important information for all evaluations.
8. Summary of results: may be made by administrator or specialist.
  - a. Notes of the meeting will be reviewed.
9. If the student is eligible for and in need of Special Education services, suggestions to the IEP team may be made.
10. Signing of appropriate forms.
11. A copy of the completed Evaluation Report must be given to the parent(s) and/or guardian of each child. This will occur for new placements, three-year reevaluations, transfers or when a child is exited from Special Education services.

For the purposes of documenting the assessment information and the decisions of the ER team, the Special Education Module of the AIM system will be used. Assessment results may be summarized on the form or may be included in written reports, which are uploaded into the AIM system and stapled to the ER Report. It is not necessary to do both. Each assessment area must include a statement of the results or observations and a statement of the educational implications of that information in language that is understandable to the parent. It is not sufficient to simply attach the printout from a computer-



scoring program that shows only the student's attained scores on a particular test. The term "educational implications" refers to a statement made by the ER team, regarding the instructional recommendations that derive from the assessment information.

In documenting consideration of a category of a disability for a child, the ER team will use the Criteria Checklists that are available to document whether a child displays the characteristics of a particular disability. These checklists are then attached to the ER Report. For all students, who are determined to be eligible for special education services, the ER Report must also contain a statement, indicating why the student needs special education and related services. This statement should indicate why the regular education program is not sufficient to meet the child's needs. Only students, who meet the criteria for one or more of the disability categories and demonstrate a need for special education services, are eligible to receive special education and related services. Children, who do not meet any of the disability criteria, or who meet those criteria, but do not demonstrate a need for special education, are not eligible to receive special education services. Also, a child will not be eligible for special education services, if the ER team determines that the child's difficulties are primarily the result of:

1. the lack of appropriate instruction in reading;
2. the lack of instruction in math; or,
3. limited English proficiency.

The decision of the ER team is a *consensus process*, not a vote. Once the decision of the ER team has been documented, each member of the ER team signs the ER Report to indicate that they participated in the meeting and agree with the conclusions. Only those members, who actually participated in the meeting, should sign the form. If a member of the ER team participated in a portion of the meeting, but not the whole meeting, they would still sign the form. If the parent did not attend the meeting, it should be noted in the *ER Report*, that they did not attend, and what attempts were made to gain their participation. It is not necessary to attempt to get the parent to sign the *ER Report*, if the parent did not attend the meeting.

If any member of the ER team disagrees with the decisions of the ER team, it should be noted, and the person must file a dissenting report, which outlines the reasons for their disagreement, and also documents any data, that they have to support their position. The person should still sign the ER Report, indicating their participation in the meeting.

For students, who are found to be eligible for special education and related services, the signed ER Report and supporting documents are placed in the student's special education record and maintained by the student's IEP case manager.

For students, who are not eligible for special education services at the time of an initial evaluation, the referral and evaluation documentation will be placed in the student's cumulative folder. If a district chooses to store these documents in another location, these documents must be paired with regular education records upon student transfer, graduation, or other exit.

For students, who are found to no longer be eligible at the time of a re-evaluation, the student's special education record will be forwarded to the Cooperative Office for maintenance and disposal. Case managers are advised to complete the Exit Form before transferring the documents. The Exit Form can be printed from [www.ywccssc.k12.mt.us](http://www.ywccssc.k12.mt.us)

## INDIVIDUALIZED EDUCATION PLAN (IEP)

Please note: The Cooperative has adopted the OPI Special Education in Montana Guide. This document is available on line and is periodically updated.

The Individualized Education Plan (IEP) is the document, which describes the amount, location, and duration of the special education and related services that the child will receive. The IEP also describes any accommodations or modifications that the child will need in the regular education setting and during the administration of any statewide or District-wide assessments. The IEP is developed by a team, which consists of:

- The parent(s) of the child.
- The student (as appropriate).
- The school building administrator or an administrative designee.  
The administrator/designee must be knowledgeable about the general curriculum and linguistically appropriate goals, objectives and programs. Be knowledgeable about the availability of the resources of the District, including program options available to address the needs of the student. Additionally, the designee needs to have the authority to commit District resources and be able to ensure (by such means as administratively directing, coordinating, monitoring, reporting on, etc.) that the delivery of services that are described in the student's IEP will actually be provided.
- The special education teacher/provider.  
If the only special education service the student is or may be receiving is speech and language, the speech-language pathologist is the special education provider.
- At least one (1) general education teacher of the child, if the child is or may be participating in the general education.
- Related Service providers (as appropriate).
- Others. The school or the parent may invite others to participate in the meeting as a member of the team, who have a special knowledge or expertise, regarding the student. The parent determines the qualifications of the people they invite to participate.

As with any meeting, it is helpful to follow a simple agenda to ensure, that all required information receives consideration. A sample agenda might be:

- Introductions: Each member of the IEP team introduces themselves and explains their role in the education of the student. The purpose of the IEP meeting is explained (to develop the educational program of the child).
- Introduce the Draft IEP: Provide the parent(s) with a copy for review, as each area is discussed. Explain the draft nature of the plan (any agreed-upon changes will be made prior to the parent's consent being obtained).
- Input from parent(s), student, and staff regarding the student's strengths and concerns (regarding their educational needs), and their preferences and interests.
- Follow the IEP form and ensure that each area of the form is completed.
- Make any changes that are necessary, based upon the IEP team discussion.

- Have participants (the administrator, the general education teacher, all involved personnel, case manager and parents) sign as participants. Only those participants who actually participated in the IEP meeting should sign.
- Have parent(s) sign, indicating their consent and support for the program to be implemented.
- Provide parents with a copy of the completed IEP. Provide copies at the initial IEP meeting, each annual review and whenever the IEP is amended.

The IEP has duration of one (1) year, and must be reviewed and revised within one (1) year from the date that the IEP was written. The student's case manager is responsible for tracking the IEP due dates and ensuring that the annual review is completed prior to the due date. It is not permissible to extend the expiration date for an IEP beyond one (1) year from the date that it was written. It is possible for some services to have a different beginning or ending date, than the IEP as a whole. These differences must be documented within the IEP. It is also possible to amend the IEP during the year, using the process described in the section on Amending the IEP.

### **DEVELOPING THE IEP**

The IEP is developed and finalized during the IEP meeting, which includes all required members (administrator/designee, General Education, Physical Therapist, Occupational Therapist, Speech/Language therapist, parent/guardian, and any other invited person). *It is highly inappropriate to take notes during the meeting for the purpose of writing the document after the meeting!* It is permissible for the case manager to develop a draft IEP document, which can be presented before or at the IEP meeting and then modified to reflect the decision made by the IEP team. This draft document must be presented to the IEP team as a working draft IEP, which is open for modification and cannot be presented as "the IEP" for the child. If the IEP is completed before the meeting, the parent(s) has been denied the right of participation in the development of the IEP.

The IEP must be developed using the Special Education Module in the AIM system. The IEP editors in the AIM system will automatically complete the demographic section of the IEP document using the information available in AIM. Be sure the demographics are complete and refreshed upon drafting documents.

### **STRENGTHS, EDUCATIONAL CONCERNS, AND PREFERENCES / INTERESTS:**

In documenting the strengths, preferences, and interests of the student, it is important to gather information directly from the student and not make assumptions, regarding their preferences. This information can be gathered from the student prior to the meeting and shared with others at the IEP meeting

by the case manager, if the student does not attend the IEP meeting. Students should be encouraged to attend the IEP meetings at as young of an age as the IEP team feels is appropriate. Students, who are age fifteen (15) and older, must be invited to participate in the IEP meeting. They do not have to attend, but information regarding their preferences and interests must be discussed.

It is also possible for the case manager to gather information, regarding the parent's and staff member's views of the student's strengths, and any educational concerns, that they have prior to the IEP meeting.

If no information is available from the parent(s) prior to the meeting and the IEP meeting is held without the parent(s), it should be noted in the areas available for documenting the parent's input, that the parent(s) did not attend the IEP meeting. **Do not just leave these areas blank, as it will appear that this information was not considered.**

### **CONSIDERATION OF SPECIAL FACTORS**

#### **Does the student's behavior impede the student's learning or that of others?**

The IEP team must consider the impact of any problem behaviors that the student exhibits. Some behaviors, although troublesome, do not necessarily impact the learning of the student or others, and so would not warrant a behavioral goal or positive behavior intervention plan. If the IEP team determines the answer to this question is yes, the student's IEP must contain a measurable annual goal addressing the problem behavior, and must indicate that a positive behavior intervention plan will be developed.

#### **Does the student have communication needs?**

The IEP team must consider the communication needs of the child. As an example, for children, who are deaf or hard of hearing, the IEP team must consider the child's language and communication needs, opportunities for direct communication with peers and staff, and opportunities for direct instruction in the child's language and communication mode.

#### **Does the student require assistive technology devices or services?**

The IEP team must determine, if the student requires the use of any assistive technology device or services to aid in the selection, acquisition, or use of a device.

An assistive technology device is any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

An assistive technology service is any service, which directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

**Has the student been determined to be “Limited English Proficient” (LEP)?**

In Montana, the following definition is used:

LIMITED ENGLISH PROFICIENT (LEP), when used with respect to an individual, means an individual:

(A) who is aged three (3) through twenty-one (21) and is enrolled or preparing to enroll in an elementary or secondary school;

**—AND—**

(B) (i) who was not born in the United States or whose native language is a language, other than English;

or

(ii) (I) who is an American Indian or Alaska Native, or a native of the outlying areas; and,

(II) comes from an environment, where a language other than English has had a significant impact on the individual’s level of English language proficiency;

or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment, where a language, other than English is dominant;

**—AND—**

(C) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:

(i) the ability to meet the state’s proficient level of achievement on state assessments;

(ii) the ability to successfully achieve in classrooms, where the language of instruction is English; or,

(iii) the opportunity to participate fully in our society.

It is important to note that the definition addresses both language and academic achievement. While language impact affects entire communities, academic achievement varies from student to student. Limited English Proficient (LEP) students are those students, who are not achieving academically, due to the level of their English language proficiency.

The following tools are suggested for use when contemplating the LEP decision:

- Home language survey
- English language proficiency tests and assessments
- Writing assessment
- Observation scale
- Running records
- Developmental reading assessment
- Reading proficiency checklists
- Reading score on state assessment, norm-referenced assessments and local assessments

When considering LEP designations, consult your district administrator for local policies.

### **For students with blindness or visual impairment:**

#### **Does the student need training in orientation and mobility?**

The IEP team must determine, if the student has the need for training in orientation and mobility. If the IEP team determines, that the student does have a need for this training, the IEP must contain measurable annual goals to address the need.

#### **Does the student need instruction in Braille or the use of Braille?**

For students with blindness or visual impairment, the IEP team must determine if the child needs instruction in Braille. If the IEP team determines, that the child needs this instruction, the IEP must contain measurable annual goals to address the need. If the IEP team determines, that the child does not need instruction in Braille, the IEP must clearly document the reason for the IEP team's decision. This decision must be made, based upon the results of an evaluation of the child's needs.

## TRANSITION SERVICES

Transition services must be addressed by the IEP team for every student by the age of sixteen (16) or younger if appropriate. The IEP meeting notice for a Transition IEP must indicate that a purpose of the meeting will be a consideration of the student's postsecondary goals and transition services, that the public school will invite the student, and that other agencies have been invited to send a representative as per parental/guardian consent.

This means that the IEP team must include transition services information for every student, who is fifteen (15) years old or older, in order for the age 16 requirement to be met. The IEP must contain information, gathered from the student regarding their desired post-school activities, and must document the results of age-appropriate transition assessments in the areas of education, employment, training, and independent living skills (if appropriate). Age-appropriate transitions assessments may take many forms and do not necessarily have to consist of any standardized testing instruments. Sources of information could include: career inventories, ASVAB results, information from work-study employers, etc.

When addressing transition services, the IEP team must consider the need for the involvement of any agency outside of school. The case manager must invite representatives of any outside agency, that the student is likely to be involved with to facilitate the transition to post-school living. The case manager must have parental consent *prior* to inviting an outside agency. A form for documenting this consent is available in the AIM system.

## POSTSECONDARY GOALS

Measurable postsecondary goals are developed, based upon the information available from the transition assessments and should reflect the student's desired post-school activities. The postsecondary goals must be measurable, when written, but are not included in the progress reports that are sent to the parents. These goals are reviewed annually and revised, as needed. The measurable postsecondary goals serve as the foundation for the Summary of Performance that is provided, when the student leaves school.

## TRANSFER OF RIGHTS AT AGE OF MAJORITY

The case manager is responsible for notifying the student and the parent(s) of the transfer of parental rights to the student at age eighteen (18). This notification must occur by the child's seventeenth (17<sup>th</sup>) birthday. It is a good practice to notify the student and parent(s) at the annual IEP meeting, when the child is sixteen (16) years old. The IEP must document the date that the notice was given. Once the student reaches age 18, consent for any evaluation or placement must be given by the student. The parent(s) must still be invited to participate in any meetings that are held; but, no longer may give consent.



It is important to note, that unless the parents have obtained guardianship of the child through the court system, the parental rights transfer to the child, regardless of the nature of the child's disability.

### **COURSE OF STUDY**

When developing an IEP for a transition-age student, the IEP team must identify the necessary courses of study for the student to reach the student's goals. The course of study is based upon the information, currently available to the team, and can change, as necessary.

### **TRANSITION SERVICE NEEDS**

The IEP team must consider all of the areas listed and determine, if the student needs transition services in any area. If the team determines, that transition serves are needed, the IEP must identify the needed service and indicate the person or agency responsible for providing the service. The IEP team cannot commit any outside agency to provide any service and must include a representative of the agency in the decision-making process. If the needed service is related to a measurable annual goal, the IEP must indicate, which goal(s) relate to the transition service.

### **PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE (PLAAFP)**

The Present Level of Academic Achievement and Functional Performance (PLAAFP) statement is a description of the child's current functioning, related to the measurable annual goal(s). PLAAFP statements provide information about the child's current skills, (and how they use those skills), and serve as the baseline for measuring the student's progress toward meeting the measurable annual goals. While it is acceptable to indicate the child's scores on various tests, that information alone does not provide an adequate description of the student's skills or their functional performance.

PLAAFP statements must be specific (i.e., "the student can complete two-digit addition problems with regrouping with 90 percent accuracy," versus, "the student is below grade level in math."); provide enough information to establish the need for the measurable annual goal(s); and, must be written in language, that is understandable to everyone on the IEP team. Avoid the use of acronyms and education jargon, as much as possible.

Well-written PLAAFP statements:

- Are related to the service area, for which the measurable annual goal is being written;

- Describe the specific and observable behaviors;
- Contain data, that will allow the student's progress to be measured; and,
- Are written in language, that is understandable to all members of the IEP team.

### MEASURABLE ANNUAL GOALS (MAGS)

Every IEP must contain at least one (1) measurable annual goal. If the child has met all of their IEP goals, and the IEP team feels, that they no longer need annual goals, then the child must be evaluated to determine, if they continue to need special education services. IEPs to "monitor" the child's performance are not allowed under the law. If a child does not need special education services, an evaluation must be conducted to determine, if they must be exited from special education.

Measurable annual goals (MAGS) stem directly from the information provided in the PLAAFP, and MAGS are the IEP team's best estimate of what skills, that the child will demonstrate at the end of the IEP year. Goals should be written, that will increase the child's successful participation in the general curriculum and meet the needs that result from the child's disability.

A well-written measurable annual goal:

- **Describes the conditions, under which the goal will be measured.**  
(e.g., When given a third-grade reading passage,...)
- **Identifies the specific, observable behavior expected.**  
(e.g., ...will read 100 words per minute...)
- **States the criterion to achieve the goal, a proficiency component.**  
(e.g., ...with one (1) error...)
- **Includes a consistency requirement.**  
(e.g., ...on 7 of 10 trials....)
- **Designates how the performance will be measured (unit of measurement) and who will collect the data.**  
(e.g., ...as measured by teacher observation and recorded on a frequency table.)

For example,

"When given a third-grade reading passage, John will read 100 words per minute with no more than one (1) error on 7 of 10 trials as observed by his instructor and recorded on a frequency table."

“At the end of the second semester, Mark will touch-type a passage of text at a speed of 40 words per minute, with no more than 5 errors, with progress measured by his teacher on a five-minute timed test.”

“Given at least five opportunities to ask a question or make a comment in the resource room, Sally will raise her hand and wait to be acknowledged before speaking with 100% accuracy on three consecutive sets of opportunities as measured by her teacher on a weekly check list.”

Is much more measurable than:

“John will be able to read at a third-grade level.”

Remember to:

- **Use specific terms.** Phrases such as “will be able to” or “appropriate behavior” are too vague to be measured consistently. The use of phrases, such as these, leaves the meaning of the goal open to interpretation by the various team members, and may lead to disagreements about the services to be provided or the student’s progress.
- **Include a statement of both the criteria for mastery and the level of consistency expected for the child to meet the goal.** If the goal only states, that the child will do something with “80 percent accuracy,” then the first time the child scores 80 percent or better, the goal has been met. Most of the time, we would like the child to score 80 percent or better several times, before we would consider, that the goal has been met. The consistency statement in the Measurable Annual Goal (MAG) establishes that requirement.

### SHORT-TERM OBJECTIVES OR BENCHMARKS

Short-term objectives or benchmarks are only required for a limited number of students. The IDEA requires that the IEP for a student, who participates in the statewide testing by taking an alternate version of the test, which is aligned to alternate achievement standards, must contain short-term objectives or benchmarks for each measurable annual goal. This includes all areas including related services. In Montana, this means students, who take the Multi-State Alternate Assessment (MSAA), or any other state adopted alternate assessment. It is permissible to include short-term objectives or benchmarks in the IEP of a student for whom they are not required.

Short-term objectives are statements of the intermediate steps, that the child is expected to achieve, as their skills move from the level described in the PLAAFP statement to the level predicted by the Measurable Annual Goal (MAG). Short-term objectives are written in the same way, as the measurable annual goal (MAG) and include the same components.

Benchmarks are statements of key behaviors that will signal the child's movement toward the measurable annual goal (MAG). For academic areas, these benchmarks are taken directly from the curriculum.

### **SPECIAL EDUCATION AND RELATED SERVICES**

The IEP must contain a description of the location, amount, and duration of the special education and related services to be provided to the child. This section of the IEP form is used to document the service area (i.e., reading, math, communication, etc.) or related service area (i.e., physical therapy (PT), occupational therapy (OT), Speech, etc.); the location that services will be provided (i.e., special education setting versus regular education setting); the amount of time to be provided per week; and, the duration of services. If a service is to be provided for a limited duration (i.e., different than the duration of the IEP), then the dates, that the service will begin and end, must be noted in this section. For example, if the child's IEP is developed in May, but the child will not need services for math until school resumes in the fall, the IEP could note that the services for the math goal will begin the first day of the next school year, by giving that date.

The amount of time indicated for a service area must be specific (e.g., 30 minutes per week), unless the needs of the child make it impossible to establish the amount of time, that the service will be provided. It is not permissible to indicate, "as needed," for the amount of time. Rather, the IEP team must give the best estimate possible. ***When a service is provided through consultation with the parent(s), special education staff, or regular education staff, the IEP should indicate the frequency and duration of those consultation meetings (i.e., 30 minutes per month).***

An IEP cannot contain only consultation services. A student, who only needs "consultation" service delivery, likely is not demonstrating a need for special education, and the student should be re-evaluated to determine, if they continue to be eligible for special education services.

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

The term least restrictive environment (LRE) is defined as the most appropriate placement for the student. For most students, the regular education classroom is the least restrictive placement. For some students, with special education needs, a setting outside of the regular classroom is the most appropriate placement for

them to receive special education services. The amount of time a student spends outside of the regular education setting varies by student and is determined by the IEP team.

**The least restrictive environment is not a place, but a configuration of services, designed to meet the needs of a child with disabilities.**

Schools will determine the placement of each student found eligible for special education and related services by ensuring that the decision is made by the IEP team, is determined at least annually, based on the child's IEP, and is as close to the child's home as possible. The district will consider any potential harmful effects on the child for the quality of services the child needs. (CFR 300.316 Placements)

If an IEP team feels that the current placement is not successful, the IEP team needs to gather documentation to show that the IEP goals are not being met. If there is sufficient documentation to show that goals are not being met, the IEP will need to be changed, and subsequently, placement may change.

Least Restrictive Environment (LRE) is NOT DETERMINED:

- **Solely based on a diagnostic category.**  
(For example, all children with cognitive delays are NOT AUTOMATICALLY appropriate for special education self-contained settings.)
- **Solely based on available funds.**  
("We just do not have the money for that.")
- **Based upon available staff or time.**  
("I just do not have time in my schedule for that child.")

### **LENGTH OF SCHOOL DAY**

If the child has a shorter or longer day, than other students of the child's age and / or grade, then the IEP must contain an explanation of why the difference is necessary for the child to benefit from their special education services. A child cannot have a shorter or longer day, than their peers, solely because of issues involving transportation.

### **SUPPLEMENTARY AIDS AND SERVICES (GENERAL EDUCATION ACCOMMODATIONS AND MODIFICATIONS)**

For each student, the IEP team must determine, if the child needs accommodations or modifications, in order to participate in the general

education classroom setting. Accommodations and modifications generally take three (3) forms:

- **Method accommodations:**  
(i.e., extended time to take tests, extended time to complete homework, reduced number of problems, etc.)
- **Material accommodations:**  
(i.e., study guides, large print books, raised line paper, etc.)
- **Technology accommodations:**  
(i.e., using a word processor for written work, books on tape, using a calculator, etc.)

The IEP must specify the general education area, (in which the accommodations or modifications are necessary), and the particular accommodations or modifications, that will be provided. It is not acceptable to use phrases, such “as needed” in describing the accommodations. The IEP must specifically describe what will be provided, and not what might be provided. Vague descriptions of the accommodations and modifications to be provided to the student are the source of many disagreements between the school district and parents, and between general education and special education teachers. If there is a disagreement regarding the meaning of an accommodation or modification it is the parent that decides what it means.

The supplementary aids and services section of the IEP is also used to document the supports or training that are necessary for the school district staff to be able to provide the services the child needs. If the IEP team determines that a particular program or assistive technology device will be used with a child, the IEP should describe any training that will be necessary for the staff to effectively deliver the service.

## **PARTICIPATION IN STATEWIDE AND DISTRICT-WIDE ASSESSMENTS**

Every student, regardless of the nature of their disability, must participate in all of the statewide and district-wide tests, which are given at their grade level. The statewide assessments are administered in grades 3 to 8, and grade 11. No students in these grade levels may be excluded from the assessments.

For each assessment, the IEP team must determine, if the child can participate without accommodations, with accommodations, or if the child will require the use of an alternate measure. The IEP must document those determinations, and what, if any, accommodations that the child will receive. The Office of Public Instruction (OPI) publishes test manuals, which describe the standard and the non-standard accommodations, available for each test.

For students, who will participate using one of the alternate tests, the IEP must indicate the reason, that the IEP team feels that the child cannot participate in the regular testing; and, why the alternate measure selected is the most appropriate option for the child. Students, who take the alternate test, must have short-term objectives or benchmarks for every measurable annual goal (MAG).

### **EXTENDED SCHOOL YEAR (ESY)**

Extended School Year (ESY) is to provide special education or related services when an interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected of their nondisabled peers. ESY is an extension of the current school year. ESY is not required or appropriate for all students with disabilities.

Each IEP must document the IEP team's consideration of the student's need for Extended School Year (ESY) services. If the team feels, that further information is needed before a determination can be made, the IEP must indicate the date by which the IEP team will meet to make the determination of the student's need for ESY.

For most students, the IEP team will consider the data, (regarding the student's regression during breaks in instruction and the length of time, that it takes the student to recoup the skills, that are lost) in making the determination of the student's need for ESY. For students, (who show the loss of many skills, or for whom it takes longer than other students to recoup those skills), ESY services may be appropriate. For some students, ESY services may be needed to help maintain a recently-mastered skill, or if they are on the brink of mastering a skill, to continue toward skill mastery. The need for ESY services is not determined, based upon the child's particular disability, the parent's need for daycare during school breaks, or other factors not related to the child's maintenance of learned skills.

For students, who need ESY services, the IEP must indicate which goals will be worked on during the ESY period. Only those selected goals will be serviced.

Each Cooperative school will determine the dates, location, and duration of the ESY services.

If the IEP team determines that the student is not eligible for ESY, the student may be referred to the general education summer/intervention program if available and appropriate.

If no general education summer/intervention program is available, students must meet the eligibility criteria for ESY as determined by the IEP Team. ESY

eligibility should not be considered in lieu of an available general education summer/intervention program.

A progress report must be completed for all students attending ESY. The report should address progress toward IEP goals. A copy must be filed in the student's special education file.

### **IEP ACCESSIBILITY AND RESPONSIBILITIES**

Every teacher, related service provider, transportation provider, or other individual, who works with the child, must be informed of his or her responsibilities for implementing the IEP and any necessary accommodations or modifications. It is the responsibility of the student's case manager to inform these people of the requirements of the child's IEP. This notification may be made verbally, in writing, or by e-mail. Whatever method is used, the case manager must keep documentation that indicates who was notified, when they were notified, and what information they were given. The student's teachers and others, who are involved in their education, have access to the student's special education record. It is **not permissible to provide copies of the IEP documents** to them to meet this requirement.

### **CONCLUDING THE IEP MEETING**

The final step in the development of an IEP is to obtain the parents' consent to implement the IEP. Each person who participated in the development of the IEP will sign the document indicating that they were in attendance at the IEP meeting. The parent(s) should sign the document indicating their participation regardless of whether or not they will provide consent for the implementation. If the parent(s) agree with the placement described in the IEP, they will sign the form giving their consent for services. The school staff may not attempt to force the parent(s) to sign the IEP. A parent may wish to have additional time to consider the contents of the student's IEP and may choose not to provide their consent at the meeting. If the parent does not provide consent at the IEP meeting, the student's previously agreed to IEP continues to be in effect and the student will continue to receive the special education and related services described in the previous IEP.

If a parent does not provide consent at the IEP meeting, the case manager for the student will make a follow-up contact with the parent within one week of the IEP meeting to attempt to get the parent's consent. If this attempt is unsuccessful, the case manager will contact the Cooperative Office and will issue a 15-day notice to the parent regarding the implementation of the new IEP.



If the parent objects to a specific portion of the IEP, they can consent to the rest of the IEP which can then be implemented. IEP team must then meet again to address the parent's concerns. If a parent objects to portions of the IEP or refuses to give consent for the entire IEP, the case manager must notify the Cooperative Office and Superintendent for help in working toward resolving the parent's concerns.

If the parent refuses consent for the IEP implementation *on an initial IEP*, no services are provided, and the child is not entitled to a Free Appropriate Public Education (FAPE) under IDEA. None of the disciplinary protections apply.

If the IEP team meets without the parent, after at least two meeting no-shows, a copy of the IEP developed by the IEP team will be provided to the parent with a request for their consent. If the parent provides consent, the copy of the IEP will be attached to the school district's copy and will be placed in the student's special education record. If the parent does not respond within one week of the meeting, the school district will issue a 15-day notice to the parent regarding the implementation of the new IEP.

At the conclusion of an IEP meeting, if the parent disagrees with the IEP or raises concerns over what is appropriate for the student, clarify with the parent the areas of agreement and disagreement. Whenever possible, attempt to work out the disagreement within the IEP process. If it is believed that an agreement can be reached, decide what steps will be taken to reach an agreement. Document in the notes section of the IEP the elements of agreement and disagreement, the steps that will be taken by the school and/or parent to resolve the disagreement as part of the IEP process, and a date for reconvening the IEP team meeting.

Provide the parent(s) with a copy of the "Procedural Safeguards in Special Education" and note in the IEP that the pamphlet was provided.

## ANNUAL REVIEW

The IEP has the duration of no more than twelve (12) months from the date it is written. The case manager is responsible for ensuring, that the IEP is reviewed and revised, as necessary, at least annually, or more frequently, if conditions warrant. Annual IEP meetings should be scheduled during the month prior to the IEP expiration to allow time for rescheduling the meeting, if necessary.

Case managers are encouraged to develop 11-month calendars where meeting notices and drafts are prepared 10 months after the IEP's last approval. Case managers then anticipate a meeting to be held on the 11-month anniversary. This gives all team members adequate preparation time to convene before the 12-month anniversary date should conflicts arise.

## **PROGRESS REPORTS**

The IDEA regulations require the school district to provide periodic written reports on the student's progress toward the goals in their IEP. The OPI interprets this to mean that the school district must provide progress reports at least two times per year (reaffirmed July 2015). At a minimum, case managers will issue progress reports at the end of each semester. If Progress Reports are mailed more frequently, case managers are responsible to communicate in a timely manner the mailing schedule to related-service providers. The Progress Reports for each goal must indicate, if the child is making satisfactory progress, and if that progress is likely to be sufficient to allow the child to reach the goal by the end of the IEP year. The Cooperative encourages case managers to provide additional information including progress data, as they see fit. Progress reports must be completed using the Progress Report form in the AIM system.

## **SUMMARY OF PERFORMANCE**

For students, who exit special education services by graduating from high school or by reaching the age limit for attendance, the student's case manager will provide the student with a Summary of Performance within two weeks of the student's exit from school. The Summary of Performance is designed to provide the student with a summary of his/her academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting their post-secondary goals. The Summary of Performance is a separate document available in the AIM system that condenses and organizes the key information that should follow the student to post-school activities.

## **AMENDING THE IEP**

The IEP is a legal document that describes the services that will be provided to the student for the coming year. Once the IEP has been developed and signed by the parents, changes should not be made to the IEP document.

Amendments to the IEP are made with the agreement of the parent, special education teacher, and building administrator. The Special Education Module in the AIM system has a tool that must be used for amending the IEP. This documentation includes information on what was changed, why the changes were needed, and when the changes will take effect. Using this process maintains the original IEP documentation and clearly shows the changes that were made. It is not necessary to convene a meeting of the entire IEP team to complete this process unless ESY is the subject for change(s).

The amended IEP does not become effective until the document has been signed by the case manager, administrator and the parent. If the parent does not agree to the amendment, the changes in the student's program may not be implemented. The student continues to receive the services in the most recent agreed upon IEP.

The amendment process cannot be used to extend the duration of the annual IEP beyond the twelve (12) months from the date, that it was written, and does not relieve the school district of the requirement to hold the annual IEP meeting.

## TRANSFER STUDENTS

When a student, who is eligible for special education services, transfers to a school district, the Transfer Student Documentation will be completed in the AIM system and a copy will be placed in the student's special education record with the IEP.

As well, all student transfers should be reported to the Cooperative Office.

### **IN-STATE**

When a student transfers to a school district from another Montana school district with a current IEP, the student's case manager must review the IEP to determine, if it should be implemented as written, amended, or a new IEP must be developed. If the IEP must be amended or a new IEP developed, the case manager will ensure that the needed changes are accomplished within a short period of time (within one week). The student will receive the services described in the IEP from the previous district, until the IEP can be amended or a new IEP developed.

If a student transfers to a school district from another Montana school district with an IEP, that is more than twelve (12) months old, the case manager will ensure that the student receives the services described in the outdated IEP until a new IEP can be developed. The new IEP must be developed within a short period of time (within one week). The new IEP is developed using the information available regarding the student's needs. This information can be gathered from the parents, the previous school, or other agencies, that may be involved in providing care to the student. It is not permissible to delay development of the new IEP so that the student's teachers can "get to know" the student. Once the new IEP has been implemented, the IEP amendment process can be used to make any needed changes.

### **OUT-OF-STATE**

When a student transfers to a school district from a district in another state, the student's records **must be reviewed by the school psychologist**. The school psychologist will determine if the record contains sufficient documentation to establish that the student would meet the criteria for identification in one or more of the disability categories described in Montana rules and regulations. Since disability criteria vary from state to state, it is possible, that a student, who qualified for special education services in another state will not qualify in Montana.

If the school psychologist determines, that there is sufficient information in the student's record to determine their eligibility under Montana rules and regulations, the Transfer Student Documentation will be completed, indicating that the school district accepts the student's identification. As with in-state transfer students, the case manager must review the student's IEP and

determine, if it will be implemented, as written or a new IEP developed. The procedures for accomplishing this are the same as for in-state transfer students.

If there is a question regarding the student's eligibility for services in Montana, the school psychologist will develop an Evaluation Plan with the parent and begin the evaluation process. This decision will be noted on the Transfer Student Documentation. While the evaluation is being conducted, the student's IEP from the previous district will be implemented, as written until the evaluation is completed. Should a parent refuse to consent for a new evaluation and as in these circumstances the evaluation is considered an initial evaluation, then the stay-put provision does not apply and the student is treated as a general education student and would no longer receive special education services. If the latter occurs, be sure to call the Cooperative Director for guidance.

If it is determined, that the student is eligible for special education and related services under Montana rules and regulations, the IEP can continue to be implemented, or it can be updated to reflect any newly-identified needs of the student.

If it is determined, that the student is not eligible for special education and related services under Montana rules and regulations, the student would no longer receive special education services.

### **WITHIN DISTRICT TRANSFERS**

As students progress through public schools, it is necessary to have procedures to facilitate the student's transfer between schools (elementary school to middle school, middle school to high school).

When a student transfers to another school within a district, the current case manager will:

- Arrange a transition meeting, invite the student's counselor, new case manager, and other involved personnel;
- Review current IEP including progress on current IEP goals and alert the upcoming team to possible amendment considerations. If specifics are known, create an amendment.

## RELATED SERVICES

The term Related Services refers to the supplementary aids and services, which are provided based upon student need, to enable the student to benefit from the special education services. These services are in addition to the specialized instruction the student receives and cannot be provided as the student's only service. For a student, who is identified as Speech and Language impaired, Speech and Language services are considered a special education service, and not a related service.

The school district will provide all related services that the IEP team determines the student needs if a child is eligible for special education and related services including Occupational (OT) and Physical Therapy (PT). Services can be provided directly by the therapist or their licensed assistants.

The Related Services are:

- Assistive Technology
- Audiology
- Counseling
- Medical (diagnostic)
- Occupational Therapy
- Orientation and Mobility (O&M)
- Parent Counseling and Training
- Physical Therapy (PT)
- Psychological
- Recreation
- Rehabilitation Counseling
- School Health
- Social Work in Schools
- Speech and Language in Schools
- Therapeutic Recreation
- Transportation
- Other

The determination of a student's need for a related service is made by the student's IEP team, which includes the appropriate service provider. A related service may be added to a student's IEP, or removed from a student's IEP, at the annual IEP review or through the IEP amendment process.

Related services may be provided through consultation with the members of the IEP team or direct services to the student, as the IEP team deems appropriate. The student's IEP must contain measurable annual goal(s) (MAGs) for each service area, or a statement, indicating how the related service relates to the student's goal(s).

## TRANSPORTATION GUIDELINES

Whenever possible, students with disabilities will ride the regular school bus, as provided by the district, and in accordance with district policy, to and from school. When the disabling condition of a pupil is such that the pupil requires special transportation services in order to benefit from their educational program, the IEP team has the responsibility to include transportation services in the IEP as a related service.

As specified in the Code of Federal Regulations Section 300.34, specialized transportation for a disabled pupil is defined as a related service to be provided as “required to assist a child with a disability to benefit from special education.”

Specialized transportation includes:

- a). travel to and from school and between schools
  - b). travel in and around school buildings and
  - c). specialized equipment (such as special or adapted buses, lifts and ramps), if required, to provide special transportation for a child with a disability.”
  - d). to and from home and the school of attendance,
  - e). between schools for purposes specified in the IEP
- It is the responsibility of the IEP team to determine when transportation services must be included in the IEP as a related service. The decision must be made on a case by case basis and be based on the unique needs of the student and the basic concept of least restrictive environment.
  - Specialized transportation, if offered, should be described in sufficient enough detail to inform the parties of how and where transportation will be provided.
  - The director of transportation may be consulted prior to an IEP meeting for a student who may require special transportation arrangements such as: adaptive or assistive equipment, specialized medical equipment, specialized monitoring or assistance, positive behavior interventions, etc. School bus drivers will be informed and properly trained whenever the IEP addresses special transportation needs for a student.

Factors that IEP teams should consider in making the determination of a student’s need for specialized transportation:

1. Medical Diagnosis and Health Needs:
  - Does the student have significant limitation in strength, vitality or alertness that prevents him/her from riding the regular bus?
  - Does the student have a medically fragile condition that prevents them from riding the regular school bus?
  - Does the student have special medical equipment that must be transported on a specialized school bus?

2. Physical Needs:

- Does the student have a wheel chair requiring a special securement system on the school bus?
- Does the student have a visual impairment that prevents him/her from riding the regular bus?
- Does the student have a hearing impairment that prevents him/her from riding the regular school bus?

3. Safety Needs:

- Does the students' disability or level of functioning prevent them from being able to travel to school independently?
- Does the students' disability or level of functioning prevent them from being able to travel to and wait independently at a regular school bus stop?

4. Behavioral Needs:

- Does the student have a behavior plan that requires certain transportation services?
- Is the student's behavior, after implementing a behavior plan, so severe that s/he cannot ride the regular school bus?

5. Program Location:

- Is the student required to attend a program outside of the district of residence geographic boundary?
- Does the student require special transportation in order to access services designated on the IEP (e.g. occupational therapy, physical therapy, and/or related services)?

6. Other needs may also be taken into consideration when the IEP team discusses a pupil's placement and transportation needs.

No special education transportation will be provided when a student is placed unilaterally by a parent. Transportation as a related service is not provided as a convenience, but is a specific service identified by the IEP team as part of the overall recommended services for a free appropriate public education.

Eligibility for home-to-school special education transportation as a related service shall be determined by the IEP team individually for each student, based on the assessment information related to the student's disability. This determination, which shall be stated in the IEP, must be related to the needs of the student *as a result of the student's disability and consideration of whether transportation is required for the student to benefit from special education*. When safety is a consideration, the determination must be related to the student's disability and may not be based solely on the student's chronological age or the school the student is attending. The need for home-to-school transportation shall be indicated on the student's IEP.



Transportation will be provided to/from the school of attendance for services identified in the student's IEP, which must be provided at another location during the school hours (i.e., Intensive classrooms, transitional classes, etc.).

Transportation services may be provided either as **school-to-school** or **home-to-school** as determined by the IEP team. The IEP also determines the need for additional services such as assistance on the bus, the use of assistive mobility devices such as wheelchairs, and assistive devices such as safety vests.

Students who receive home-to-school transportation services must be received at the delivery address by an adult authorized by the parent or school.

At each annual IEP meeting, the IEP team will review each student's eligibility for transportation as a related service to determine if:

1. Transportation continues to be required for the student to benefit from special education, or;
2. A different mode of transportation is appropriate for the student to benefit from special education;
3. Transportation as a related service is no longer needed for the student to benefit from special education.

Occasionally pupils receiving special education services are suspended from bus transportation. The suspension of a pupil receiving special education services can constitute a significant change of placement if the district:

- 1) has been transporting the student;
- 2) suspends the student from transportation as a disciplinary measure; and
- 3) does not provide another mode of transportation.

A significant change in placement requires a meeting of the IEP team to review the pupil's IEP. During the period of any exclusion from bus transportation, pupils must be provided with an alternative form of transportation at no cost to the pupil or parent or guardian in order to be assured of having access to the required special education instruction and services.

### **TRANSPORTATION SERVICE DELIVERY**

It is the responsibility of the District of Residence to make arrangements for all transportation services described in the student's IEP. The District may provide service themselves, through contract arrangement with another public or private agency or by paying the parent for providing in lieu services.

Bus routes shall be, wherever possible, via the shortest distance, considering safety in operation, safety at bus stop locations and pupil time on bus.

Mode of Service – The LEA providing transportation service will determine the method of providing transportation services.

Scheduling – Students with disabilities are entitled to arrive at and depart school at the same time as general education students. Pupils receiving special education and related services must be provided with an educational program in accordance with their IEP for at least the same length of time as the regular school day for their chronological peer group, unless otherwise stated in the student's IEP.

Transportation to and from related services will be scheduled during the school day to the maximum extent possible. When related services cannot be provided during the school day, transportation will be provided before or after the school day.

Length of Ride – The length of ride for disabled students should be similar to that of non-disabled students and where a student attends a program outside his neighborhood school or district of residence.

In cases where a student attends a program outside his/her district of residence, the IEP Team will review the student's placement annually to determine if a placement closer to the student's residence would be appropriate.

## **TRAINING FOR BUS PERSONNEL**

Bus drivers are trained in the following areas:

1. The student's right to transportation as a related service component of a Free Appropriate Public Education (FAPE).
2. The necessity of, and methods for, effective and frequent communication between driver and school staff.
3. Creating a positive environment on the bus that encourages appropriate behavior.
4. Indicators for seeking assistance from school staff in maintaining appropriate behavior that ensures safety.
5. Cooperative working relationships between the bus driver and other non-credentialed personnel to support a team effort on the bus.
6. Writing accurate and effective reports.
7. The IEP process and the positive behavior intervention.
8. Keeping logs and recording factual information.
9. Safe riding practices.
10. Emergency evacuations.
11. Control and management of confidential student information.
12. Alternative modes of transportation to be implemented when and if a student with disabilities is temporarily or otherwise prohibited from riding the bus.

## PARAPROFESSIONALS

The goal for all students with disabilities under the Individuals with Disabilities Education Act is to develop and maintain independence in the curricular and extracurricular activities in the least restrictive school setting. (20 U.S.C. 1400 (c)(1); 34CFR. 300.1 Fed. Register, Vol. 634, No.48; p12474) for all students, additional paraprofessional support may only be included in the IEP within the context of this goal. Thus, when an additional paraprofessional is assigned to assist the student in fulfilling an IEP goal or goals (e.g. behavioral, self-help, academic, communication, etc.) the annual IEP goal(s) for which the paraprofessional will provide support should reflect as much independence as is appropriate for the student; and short-term objectives or benchmarks should be written to reflect increased independence, as appropriate for the student, until the annual goal is reached.

In making program and placement decisions, the IEP team must consider a continuum of program options, and select the option that is the least restrictive environment (LRE) in which the goals and objectives of the student can be met. If supports, services (i.e. related services) or modifications are needed in order for the child to benefit from his/her education program, including supports for the teacher, these must be provided.

Paraprofessionals also play a key role in modifying programs for the broadening spectrum of student abilities that schools must now accommodate. Additionally, paraprofessionals are an essential resource to more completely implement the requirement of the least restrictive education alternative.

Effectively utilized, paraprofessionals create positive role models that expand student-learning opportunities through individualized attention, instruction, and behavior management. Further, they ensure that students receive more consistent and safer instructional and general school environments. (*OPI Paraprofessional Guide, October 2002*).

The first step before assigning an additional paraprofessional is to carefully define the student's needs, and review all existing staff, programs and resources at the school site. This review must include a review of general, as well as special education, resources, and should consider alternatives as peer support for the student, the use of existing paraprofessionals at the school site, and mentoring and other collaborative models for teacher support. A decision to assign an additional paraprofessional may never be made outside of the IEP process. The IEP team will need to develop a training plan for the teacher and paraprofessional, and a plan for withdrawing or scaffolding the support.

### Step 1 – Initiate Process:

- The process to determine the need for additional assistance is initiated when the staff or parent recommends the addition of paraprofessional support to the student's special education program.
- The student's case manager will notify the building principal/ Superintendent.

### Step 2 – Data Collection Case Manager/Support Personnel

- Case manager along with other appropriate support staff will be responsible for completing an observational evaluation and completing a summary of data collected to determine the need for additional support. (Requires parent permission for further diagnostic assessment).
- Conduct observations.
- Obtain input from other appropriate staff and parents.
- Verify implementation of Behavior Support Plan or Positive Behavior Intervention Plan.
- Review records for current level of performance, standardized test results and attendance.
- Assess changes in the learning environment that would change level of support needed.
- Identify existing interventions and their effectiveness.
- Summarize the collection of this information to be presented in the IEP meeting.

Step 3 – Convene IEP team meeting:

- The IEP team reviews the information presented.
- The IEP team makes the determination as to whether additional assistance is needed. The IEP team may determine that:
  - a. No additional assistance is required. In this case, the IEP team identifies other strategies and services to be included in the IEP. The district will provide the parent Prior Written Notice regarding the decision not to provide the additional assistance.
  - b. Additional information is required in order to make a decision.
  - c. Additional assistance is required for this student.

Step 4 – IEP Revision:

- If it is determined that the student requires additional paraprofessional assistance, the IEP team will document that alternatives were considered.
- Develop goal(s) and objective(s) that address the independent functional skills that need to be taught in order for paraprofessional assistance to be appropriately faded.
- Schedule the review of the student's program and need for additional assistance within 6 months. In cases of ongoing medical need, the review may be scheduled up to one year from date of this IEP meeting.
- Document frequency, duration and location of the paraprofessional services on the IEP form.
- Document behavioral supports required, and changes to the Behavior Support Plan or Positive Behavioral Intervention Plan to reflect the additional support provided.
- Develop a training plan for the paraprofessional assigned to the program.

## APPROPRIATE USE OF PARAPROFESSIONAL SUPPORT

1. **Placement in the least restrictive environment:** The use of a paraprofessional is only one support or service that may permit a student to achieve satisfactory progress and participate in a less restrictive environment. An IEP may include additional paraprofessional

support within the context of IEP goal(s) and objective(s) that should be written to reflect attaining as much independence in the performance of the goal(s) and objective(s) as is appropriate for the student. The IEP should also include a schedule for evaluating the student's performance on meeting the goal(s) and objective(s) and for withdrawing or scaffolding the support.

2. **Assistance in addressing behavioral problems:** To implement behavioral plans for students with serious behavioral problems, it is often necessary to have a paraprofessional present to intervene and record responses to the interventions, etc. Paraprofessional support may only be included in an IEP to support behavior if the student has a detailed Positive Behavioral Intervention Plan that includes a schedule for evaluating the plan and withdrawing or scaffolding the support, as appropriate.

3. **Medically or physically fragile students:** A small percentage of the school population will require part-time assistance. Students who are on ventilators, have serious seizures, allergic reactions or are subject to other life-threatening events may need the supervision of a specialized health care attendant, as specified by the IEP team in accordance with medical protocols. Other students with serious physical limitations may need relatively constant supervision and assistance with turning pages, complex medical procedures, self-care such as eating and toileting, and travel from one location to another. However, even in these instances, paraprofessionals must never be provided on a one-to-one basis without first considering less intrusive alternatives that do not compromise the student's safety or ability to fully participate, and without a written plan to ensure that the student is permitted to do as much for himself/herself as is possible. In addition, it should never be assumed that these students will need such supports permanently, without medical evidence to the contrary; and the goal should always be to foster as much independence as is possible and appropriate for the student.

## **INAPPROPRIATE USE OF PARAPROFESSIONAL SUPPORT**

1. **Disability/Placement stereotyping:** Every student's needs must be addressed individually, and determinations must be based upon the student's needs, not labels or programs. A student with a cognitive impairment or a student included with his/her nondisabled peers does not compel the conclusion in every case that he/she requires additional assistance or any given program that is based upon such a model.

2. **Class or program change:** The need for the assistance of an additional paraprofessional should first be carefully defined, and all alternatives to meet the need considered before determining that a paraprofessional is the only answer. It should not be assumed that a student moving from one program option to another (e.g. preschool to kindergarten) or one grade level to another will continue to require the assistance of an additional paraprofessional.

3. **Supplemental instructional time/tutoring:** Direct instruction is the responsibility of the classroom teacher. Paraprofessional support is provided to assist a student with accessing the teacher's direct instruction, but does not supplant that instruction. Further, paraprofessional support is provided under the supervision and direction of the classroom.

## **RECORDS**

The term “Record” refers to all of the written documentation, regarding a student that the District possesses. The student’s special education record contains all of the documentation that is related to the referral, evaluation, identification, and delivery of services to the student. All education records are maintained in compliance with the Family Educational Rights and Privacy Act (FERPA).

Special education records of students, who are receiving services are maintained by the case manager. The case manager must ensure, that the records are maintained in a secure and confidential manner, and that all required components are contained within the record.

The Administrative Rules of Montana (ARMs) 10.16.3560 (2) indicate that:

*(2) Each special education record shall include access log, referral, permission for evaluation, evaluation data including summaries of assessments, test protocols, and other information, that are not subject to sole possession requirements of FERPA, Evaluation Report reports (ERs), individual education programs, and periodic reviews of the individualized education program (IEP).*

## **ACCESS TO RECORDS**

Special education records shall be stored in a locked file cabinet, preferably a fire-proof cabinet, and access to a student’s special education record shall be limited to those individuals who have a legitimate educational purpose. The Access Log form, which is located in the student’s special education record, contains a list of those individuals who have access to the special education file, and should be used to document who has gained access to the special education record. It is not necessary for the case manager to sign the access log sheet each time, that the case manager accesses the student’s special education record. Other individuals, who access the student special education records less frequently, should sign the Access Log form to document their review of the special education record.

The child’s parent(s) have a right to review the information in the student’s special education record or to grant access to another party. If a parent requests to review the student’s special education record, the case manager should schedule a time with the parent(s), when they or the school psychologist can sit down with the parent and review the student’s special education record. A person who is qualified to interpret the information contained in the student’s special education record, must review the student’s special education record with the parent to answer any questions that the parent may have. A copy of the student’s special education record will be provided to the parent(s) only when circumstances prevent the parent from being able to

review the student's special education record within forty-five (45) days of the initial request.

Any requests by the parent to alter or remove information contained in the student's special education record must be submitted in writing to the building principal.

Individuals who (by position) are not listed on the Access Form do not normally have access to a student's special education record and may only gain access when a Release of Information form has been signed by the parent granting them access.

Schools must have written permission from the parent or adult student in order to release any information from a student's educational record. Requests for Information will be filled in a timely manner.

**The school district cannot provide copies of any reports or information that is obtained from a source outside of the school district.** The school district does not have the authority to release information, which is obtained from other sources. If a student transfers to another school district, the information obtained from any source outside of the school remains in the student's special education record, and is transferred to the new school district.

### **MAINTENANCE OF RECORDS**

The case manager is the custodian of student records and ensures that the district has in place the following procedures and protections for the maintenance and confidentiality of records:

- A. Access logs are placed on the front outside cover of every special education teacher file which will document persons requesting or receiving information from the folder.
- B. Verify that file cabinets used to maintain student records are locked daily.
- C. Post a list by positions/titles of personnel having routine access to school records on the front of the file cabinets containing the records of students with disabilities. Persons having routine access include: principal, assistant principal, counselors, special education teachers, general education teachers serving students with special needs, related services staff, school psychologist, school nurse, and Special Education Director.
- D. Inform school personnel regarding procedures for maintaining confidentiality of student records.



## **TRANSFER STUDENTS**

When the case manager or registrar of a student receives notice that the student has transferred to another school district, the case manager shall be notified. The case manager shall forward the student's special education record to the new school district within five (5) business days. Student special education records cannot be held because the student owes fines or fees.

It is permissible for the case manager to fax the student's current IEP and most recent evaluation documents to the new school district to facilitate the implementation of the student's IEP in the new school district. The case manager must still forward the entire record to the new school.

## **RECORDS OF STUDENTS WHO EXIT SPECIAL EDUCATION**

Special education records for students who have exited special education either through the ER process, by graduation, or by exceeding the maximum age for school attendance, will be maintained for a period of five (5) years from the date of exit. These special education records will be maintained by the Cooperative and will be disposed of in accordance with state statute and the guidance found in *Schedule No. 7, School District Records Schedule*, which is available from the Office of the Secretary of State.

This schedule calls for destruction of special education records five years from the end of the student's special education services, or per parent request (300.573 CFR) when no longer needed by the school. However, the IEP must be retained for 7 years if the school received Medicaid reimbursement for services identified in the IEP.

After holding records for exited students for five years (or in the case of Medicaid, 7 years), the Cooperative will put a notice in the local newspaper 60 days before the records are going to be destroyed. Parent(s)/students will be given the opportunity to receive their records before destruction occurs. The information to be destroyed shall not include data collected on a routine basis and which is maintained on all school children; such as the student's name, address, telephone number, grades, attendance records, classes attended, grade level completed and the year completed.

Data to be destroyed shall include information collected for identification, location, evaluation, and other items directly related to the Special Education services that the student has received from the Cooperative schools. All records ready to be destroyed will be maintained in the Cooperative central office in secure file cabinets with a statement of the personnel responsible for maintenance of confidentiality clearly displayed.



## **RECORDS OF STUDENTS WHO DO NOT QUALIFY FOR SPECIAL EDUCATION**

When a student, who is evaluated following an initial request for evaluation, is found not to qualify for special education services, the referral and evaluation documentation will be placed in the student's cumulative folder.

Consult your district administrator if another procedure is preferred. For instance, should your district be uncomfortable with the psychological tests being included given the sensitivity of background information held within, then your district may elect to insert a paper document that indicates where that report may be found instead. Be sure to retain the latter if you do so as the cumulative folder contents will be kept for the duration of the school career and beyond according to *Schedule No. 7, School District Records Schedule*. These documents must be combined if a student transfers, as well.

## **SURROGATE PARENTS**

At the time of the initial request for evaluation, it must be determined if a surrogate parent is needed. A surrogate parent must be appointed if the parent's rights have been permanently removed by the court, if the child is a ward of the state and the parents cannot be located, or if the child is an unaccompanied homeless youth. If the parent's rights have not been permanently removed, the parent must provide their consent for the evaluation to proceed. Caretaker relatives and foster parents with whom the child is living may act as the parents for the purposes of special education decision-making. Employees of a state agency (the Department of Public Health and Human Services (DPHHS), etc.) or other agency (group home, case management, etc.), which is responsible for providing care for the child **may not** act as the parent for the purposes of special education decision-making.

School administrators are to complete the Surrogate Parent form **as soon** as the need for a surrogate parent is known. Additionally, notification is to be sent to Cooperative. The Cooperative will recommend individuals who meet the surrogate criteria and who are willing to volunteer service.

For education purposes, an appointed surrogate parent shall serve as the student's parent and shall have all the rights that a parent has in regards to special education and related services decision making.

Direct questions regarding surrogate parents or the need for surrogate parents to the Cooperative Director.

## **POSITIVE BEHAVIOR SUPPORTS**

The term “Positive Behavior Supports” refers to techniques that are used to address problem behaviors that focus on using positive, rather than negative approaches.

The Individuals with Disabilities Education Act (IDEA) requires the use of positive behavior interventions and supports in addressing any behaviors that are interfering with the learning of the student or others. The use of punishment has been shown to be ineffective in changing student behavior and its use is discouraged.

When the student’s IEP team identifies that the student’s behavior is impeding the student’s learning or that of others, the student’s IEP must contain goals to address the behavior, and a positive behavior support plan must be developed. The school psychologist is a good resource to consult when designing and implementing positive behavior supports.

The Cooperative provides routine in-service training and on-site consultation for the completion of Functional Behavior Assessments and Behavior Intervention Plans.

## **AVERSIVE TREATMENT**

Aversive Treatment procedures are allowed under Montana administrative rules in very limited circumstances.

The Cooperative believes that aversive treatment procedures should only be used as a last resort in situations in which a child is exhibiting behavior that is at great risk of harming themselves or someone else, and positive behavioral interventions have failed to address the behavior.

Under the Administrative Rules of Montana (ARM 10.16.3346) only two (2) aversive treatment procedures are available to use:

1. Physical Restraint.

When the IEP team determines, that physical restraint is of sufficient frequency, intensity, or duration, and that an aversive treatment plan is required; and,

2. Isolation Time Out.

When the following conditions exist:

- a. the student is alone in the isolation room during the period of isolation;
- b. the student is prevented from exiting the isolation room during the period of isolation;
- c. the door to the isolation room remains closed during the period of isolation; and,
- d. the student is prohibited from participating in activities, occurring outside the isolation room, and from interacting with other students during the period of isolation.

***Any student in isolation time-out must be under the direct supervision of a designated staff person, throughout the duration of the time-out.***

Exclusion time-out is not considered an aversive treatment procedure. Exclusion time-out is defined as any removal of a student from a regularly-scheduled activity for disciplinary purposes that do not result in placing the student in an isolation room under all of the conditions described in item 2 above.

Cooperative/School District staff will not use any of the following techniques:

1. Any procedure solely intended to cause physical pain;
2. Isolation in a locked room or mechanical restraint;
3. The withholding of a meal for a period of time, that is greater than one hour from its scheduled starting time;
4. Aversive mists, noxious odors, and unpleasant tastes, that are applied by spray or other means, to cause an aversive physical sensation; and,
5. Mechanical restraint that physically restricts a student's movement, through the use upon the student of any mechanical or restrictive device, which is not intended for medical reasons.

Prior to the use of aversive treatment procedures:

1. A Functional Behavior Assessment (FBA) must be completed, that clearly defines the target behavior and its purpose.
2. At least two (2) positive behavior intervention techniques, based upon the results of the FBA, must be implemented.
3. Data collected during the implementation of the positive interventions must show, that the behavior is not improving.
4. The IEP team must meet to develop the aversive treatment plan, which is a part of the student's IEP, and,
  - a. Includes a statement, describing no less than two (2) positive behavioral intervention strategies, previously attempted, and the results of these interventions;
  - b. Describes the target behavior(s), that will prompt consequence with the use of the aversive treatment procedure(s);
  - c. Includes short-term objective(s) with measurable criteria, stating the expected change in the target behavior(s);
  - d. Provides a written description of the aversive treatment procedure(s);
  - e. Specifies a time limit for the use of the aversive treatment procedure for any one instance;
  - f. Includes data collection procedures for recording each application of the aversive treatment(s);

- g. States when the IEP team will meet to review the ongoing use, modification, or termination of the aversive procedure;
  - h. Designates an individual, who is responsible for ongoing review and analysis of the data on the target behavior;
  - i. States how the student's parents will be regularly informed of the progress toward the short-term objectives in the IEP; and,
  - j. States whether any standard school disciplinary measures are waived.
5. The parents must be informed that their consent to the IEP includes consent to the aversive treatment plan.

## DISCIPLINE

In general, students who receive special education services are subject to the same disciplinary procedures as all students, unless the student's IEP team has determined, that the normal school discipline procedures will not apply. Students, who receive special education services, are covered by the procedural safeguards of the Individuals with Disabilities Education Act (IDEA), which ensure that the student will continue to receive a Free Appropriate Public Education (FAPE).

For students who have committed a minor infraction of the code of conduct and are subject to a single, short-term suspension, no additional procedures are required.

For students, who are subject to multiple short-term suspensions, which total ten (10) days or more or a long-term suspension or expulsion, certain procedures must occur.

In-School Suspension alternatives are to be used whenever possible as long as the student with disabilities continues to receive services according to his/her IEP.

The maximum number of days a student with disabilities can be suspended **shall not exceed 10 cumulative days** in a school year.

Well before a 10-day pattern of suspensions occurs, a functional behavior assessment and behavior plan should be developed and implemented. Cooperative staff will advise.

## **MANIFESTATION DETERMINATION**

If a disciplinary action will result in the removal of the student for a period of more than 10 days in the school year, a manifestation determination meeting must be held by the 10th day of removal.

The student's case manager will schedule a manifestation determination meeting with the parent and the relevant members of the student's IEP team

for the purpose of determining if the behavior that has resulted in the student's removal:

Was caused by, or has a direct and substantial relationship to the student's identified IDEA disability; or

If the behavior was the result of the school district failing to implement the student's IEP.

If the answer to either of these questions is "yes," the behavior is a manifestation of the student's disability and the student must be returned to their previous placement. In this instance, the IEP team will conduct a Functional Behavioral Assessment and revise the student's placement to address the student's behavior.

If the behavior is determined to not be a manifestation of the student's disability, the removal may proceed. The IEP team must determine how services will be delivered to the student that will allow the student to continue to progress in the general curriculum and toward the goals in the IEP.

A Manifestation Determination form is available in the AIM system and is required to be used for documenting the team's determination.

## **SCHOOL BUS SUSPENSIONS**

Suspension from the school bus does not constitute suspension from school, unless it will prevent the student from attending school. When a student with an IEP that includes transportation is suspended from the school bus, an alternative form of transportation must be provided at no cost to the parent or student.

## **EXPULSION**

1. The principal designates a case manager for the pre-expulsion review and IEP process to ensure all required activities are conducted appropriately.
2. The IEP meeting should be scheduled within the suspension period, but in any case no later than the 10<sup>th</sup> day of removal from school. During the expulsion proceedings, the student is required to have an educational placement that provides appropriate services.
3. District personnel should discuss alternative interim placement options with the student's parents and the IEP team should make a decision regarding an interim placement. There are three circumstances in which the principal may unilaterally implement a 45 school day alternative interim placement without

regard to whether the behavior is determined to be a manifestation of the student's disability:

- a. Possession of a weapon at school, on school premises or at a school function.
- b. Knowing possession, use, sale, or solicitation for the sale of illegal drugs while at school, on school premises or at a school function.
- c. Infliction of serious bodily injury upon another person while at school, on school premises or at a school function. Serious bodily injury is defined as an injury that inflicts "substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of function of a bodily member, organ, or mental faculty".

### EXPULSION CONSIDERATIONS

When an IDEA-eligible student is being considered for expulsion, the building administrator is strongly encouraged to contact the Cooperative Office. This is a litigious area.

A student with a disability who receives special education services and is being considered for expulsion is required to have a manifestation determination, and can only be expelled if the alleged misconduct of the student meets the District's criteria for expulsion, and:

- 1. The conduct in question was not caused by, and did not have a direct and substantial relationship to, the student's disability; and
- 2. The conduct in question was not the direct result of the District's failure to implement the IEP.

The above determination is made by the parents and the relevant members of the student's IEP team. This manifestation determination meeting will be conducted as described previously.

If the IEP team determines that the conduct was not a manifestation of the student's disability:

- a. The case may proceed in the expulsion process;
- b. The IEP team must revise the student's IEP to describe the alternative interim educational placement and appropriate services;

If the IEP team determines that the alleged misconduct is a manifestation of the disability

- a. The student will be returned to the previous IEP placement.

- b. The IEP team should conduct a Functional Behavioral Assessment and review and revised the student's IEP and Positive Behavior Intervention Plan.
- c. Requests for further assessments should also be made if the IEP team deems it appropriate.

### **APPEAL OF DISCIPLINARY ACTION THROUGH DUE PROCESS PROCEEDINGS**

1. If the parent disagrees with the results of a manifestation determination meeting, the parent shall be advised to their right to request a due process hearing.
2. In most instances, the expulsion process will remain in abeyance until the conclusion of the due process proceedings.
3. During the due process hearing and expulsion process, the student remains in the alternative interim educational placement determined by the IEP team, unless another alternative interim placement is agreed to by the District and the parent.
4. Pending the due process hearing, the student is to continue to receive the special education and related services.

#### **Follow-Up Actions**

1. Notify the superintendent and Cooperative of the completed expulsion analysis IEP when referring the student for possible expulsion.
2. When expulsion recommendation and manifestation determination documentation are received by the superintendent, the superintendent will review the case for procedural and substantive errors. Based on this review, the superintendent may recommend:
  - That the expulsion process proceeds;
  - That the case be referred to the IEP team for follow-up;
  - That the school take corrective action or reconsider the expulsion referral; or
  - That the referring school terminate the expulsion process due to irreversible error.

## **PRIVATE SCHOOL STUDENTS WITH DISABILITIES**

The purpose of these guidelines is to explain the schools' expectations for the provision of special education services to parentally placed private school students with disabilities, ages 5 through 21, who attend private schools located within the school district boundaries. This includes children who are home-schooled. The guidelines provide procedures to ensure that a school:

1. Locates, identifies, and evaluates students eligible for special education services;
2. Offers FAPE to eligible students residing within District boundaries;
3. Provides FAPE to eligible students residing within District boundaries upon enrollment in a public school, and
4. Provides alternative services to eligible students with disabilities whose parents choose to place them in private schools located within District boundaries regardless of where the student resides.

### **CHILD FIND**

The Cooperative schools shall locate, identify, and evaluate all parentally placed private school students with disabilities attending private schools located within school district boundaries. If a student attending a private school is referred for evaluation, the school district will complete that evaluation following the same procedures as for students enrolled in the district.

#### **Special Education Identification:**

1. The public school of residence shall conduct initial assessments and reassessments of private school students referred for evaluation of eligibility for special education services.
2. The District's written notification of the scheduled IEP team meeting shall be mailed to the parent(s) and to the private school with a letter stating that the meeting will include a discussion of the services offered to students in private schools.
3. An Evaluation Report team meeting shall be held to determine eligibility.
4. The district will develop a proposed IEP to document FAPE, including a specific offer of placement, for an eligible student upon enrollment in a public school.
5. If parent(s) agree that FAPE has been offered and choose to place the student in a public school, the IEP team shall document in the IEP the parent(s) agreement that FAPE has been offered and will be implemented upon enrollment in a public school.



6. If parent(s) agree that FAPE has been offered, but choose to place the student in a private school, the Offer of FAPE form will be completed and placed in the student's record with the parent(s) signature.
7. For students attending private school within school district boundaries, conclude the IEP meeting and immediately convene a Services Plan meeting.
8. The public school shall process and maintain the records of private school students.

## **PART FOUR: RESOURCE PAGES**

**MANAGEMENT BOARD MEMBERS AND TERMS**

Chair John Fitzgerald, Red Lodge	7/1/2018 - 6/30/2021
Vice-chair Bill Phillips, Bridger	7/1/2020 - 6/30/2023
Teri Harris, Fromberg	7/1/2018 - 6/30/2021
Cathi Rude, Blue Creek	7/1/2018 - 6/30/2021
Alex Ator, Roberts	7/1/2020 - 6/30/2023
Gary Fisher, Broadview	7/1/2019 – 6/30/2022
Nathan Schmitz, Elder Grove	7/1/2019 – 6/30/2022

## **MANAGEMENT BOARD MEETING**

### **SCHEDULE FOR 2020-2021**

*Please Check Website periodically for updates.*

The following meetings are scheduled for 11:30 a.m. at the Windmill; lunch served:

- August 11
- September 8 (Advisory)
- October 13
- November 10
- December 8

The following meeting dates are designated with time and location to follow:

- January 12
- February 9
- March 9
- April 13 (Advisory)
- May 11
- June 8

## OCCUPATIONAL THERAPIST ASSIGNMENTS

### Shanna Herrick

Belfry  
 Bridger  
 Elder Grove  
 Fromberg  
 Independent  
 Joliet  
 Luther  
 Red Lodge  
 Roberts  
 YBGR

### Andrea Gizicki

Broadview  
 Blue Creek  
 Canyon Creek  
 Elysian  
 Molt  
 Morin  
 Pryor  
 Preschool at CCS

## PHYSICAL THERAPIST

Lauren Spring

## SCHOOL PSYCHOLOGISTS

School Psychologists are assigned through the Cooperative Office upon receipt of Referral and/or Evaluation Plans. For initial referrals, case managers are asked to submit a Referral and confer with the psychologist assigned to the student prior to completing the Evaluation Plan. For re-evaluations, as much as possible the previously assigned psychologist will be staffed.

Isha Contway  
 Sonya McNeish  
 Steve Willis

Each school is assigned a Primary Psychologist to assist readily in the time sensitive tasks below:

- Transfer document review
- Evaluation Plan advisory
- Referral questions
- Pre-referral guidance
- WJIV Auditing

As well, Primary Psychologists will assist in Manifestation Determination assignments and FBA/BIP assignments when the last YWCCSSC psychologist who evaluated the student is no longer with us or in the absence of a YWCCSSC Evaluation (Example, a transfer student would not have been evaluated through YWCCSSC staff.) Most FBA/BIP's will be done in pairs.

**ASSIGNMENTS: SPEECH, PRIMARY PSYCHOLOGISTS, OCCUPATIONAL THERAPISTS**

<b>SCHOOL</b>	<b>Psychologist</b>	<b>Speech</b>	<b>OT</b>
Joliet	Sonya McNeish	Bridgett Goettlich	Shanna Herrick
Preschool at CCS	Steve Willis	Bridgett Goettlich	Andrea Gizicki
Pryor	Isha Contway	Brigid Hagerty	Andrea Gizicki
Fromberg	Sonya McNeish	Brigid Hagerty	Shanna Herrick
Bridger	Steve Willis	Brigid Hagerty	Shanna Herrick
Morin	Isha Contway	Brigid Hagerty	Andrea Gizicki
Belfry	Sonya McNeish	Jessica Bauer	Shanna Herrick
Luther	Sonya McNeish	Jessica Bauer	Shanna Herrick
Red Lodge	Sonya McNeish	Jessica Bauer	Shanna Herrick
Roberts	Sonya McNeish	Jessica Bauer	Shanna Herrick
Elder Grove	Steve Willis	Kelly Hickey	Shanna Herrick
YBGR	Steve Willis	Kelly Hickey	Andrea Gizicki
Broadview	Isha Contway	Konnie Collinson	Andrea Gizicki
Independent & Preschool at Independent	Isha Contway	Konnie Collinson	Andrea Gizicki
Molt	Isha Contway	Konnie Collinson	Andrea Gizicki
Blue Creek	Isha Contway	Konnie Collinson	Andrea Gizicki
Elysian	Isha Contway	Lisa Harris	Andrea Gizicki
Canyon Creek w/o Preschool	Steve Willis	Lisa Harris	Andrea Gizicki



## EARLY CHILDHOOD CLINIC SCHEDULE

# Early Childhood Clinic

**FREE** The Yellowstone-West/Carbon County Special Services Cooperative in conjunction with E.C.I. and in cooperation with your local school district provides this clinic free of charge



### Screening

- Birth thru 3 years — Development, Wellness, Hearing.
- 3 thru 5 years, 11 months — Fine & Gross Motor Development, Cognitive Development (thinking, reasoning, and overall readiness), Speech & Language Development, Hearing, Vision and General Health.
- Screenings provided by trained professionals: speech/language pathologist, occupational therapist, physical therapist, public nurse, audiologist, school psychologist, special education teacher.

### Success

- This clinic is to review areas of development that are considered important to each child's future success. Please see reverse side of this sheet.

### Appointments

- Appointments are necessary. Call (406) 839-2339 to schedule an appointment. Schedule may be adjusted due to COVID-19.

### Who?

- **ALL** children under the age of 6 who live in these school district boundaries are welcome: Belfry, Blue Creek, Bridger, Broadview, Canyon Creek, Elder Grove, Elysian, Fromberg, Independent, Joliet, Luther, Molt, Morin, Pryor, Red Lodge, and Roberts.

### Immunization

- You are encouraged to bring your child's Immunization Records.

### Questions?

- Call Yellowstone-West/Carbon County Special Services Cooperative (406) 839-2339.

### 2020 Clinics

**Friday, August 28 (9:00-Noon)** Canyon Creek School

**Thursday, September 10 (2:30 - 6:00)** Independent School

**Friday, September 18 (9:00-Noon)** Pryor - Arrowhead Elementary Gymnasium

**Thursday, October 8 (10:00 - Noon)** Belfry

**Thursday, October 8 (3:00 - 7:00)** Red Lodge - Roosevelt Cafeteria

**Friday, November 6 (9:00 - Noon)** Canyon Creek School

### 2021 Clinics

**Thursday, January 14 (3:00 - 7:00)** Bridger - Bridger Elementary School

**Thursday, February 25 (3:00 - 7:00)** Canyon Creek School

*Families served by YWCCSSC member districts may register for any of the above clinics regardless of location.*



## INDIVIDUAL EDUCATION PLAN (IEP) MEETING AGENDA

Student Name: \_\_\_\_\_

Date: \_\_\_\_\_

### Preparations:

- Draft and share document with parents; be sure to mark as draft; not all areas need to be complete
- Secure a projector for the meeting!
- Have Consent for Outside Agency handouts available
- Have Procedural Safeguards for Parents ready
- Secure and solicit signatures on any necessary Excusal Forms

### Attending:

- Parents' Name(s):
- Classroom Teacher(s):
- Principal/Administrator:
- Special Education Teacher:
- Speech/Language Pathologist/Specialist:
- Occupational Therapist/Physical

### Therapist: Meeting Procedures:

1. Make Introductions.
2. State purpose of the meeting: This is an IEP meeting for \_\_\_\_\_ to review his/her progress in school and his/her goals. Review recommendations of most recent Evaluation Report.
3. Identify areas of student need including post-secondary transition if the child is 15 or older.
4. Ask for parent input on student strengths and educational concerns.
5. Teachers report on his/her progress and accommodations/modifications used in the classroom.
6. Consider special factors.
7. Discuss transition services if child is 15 or older.
8. Discuss PLAAFPs and MAGs for special education and related service areas.
9. Discuss the minutes of special education service for each area.
10. Discuss LRE, Supplementary Aides and Services, Participation in Assessments, Extended School Year, Need for Reevaluation, and IEP Accessibility and Responsibilities.
11. Use notes to document additional clarifying information and read them back to team at end of meeting.
12. Have all attendees sign the document participation.
13. Complete Prior Written Notice (PWN).
14. Parent may sign approval if the final IEP is complete and PWN has been provided. Be sure to provide a copy of the completed document to the parents.

**Be sure you have familiarized yourself with the contents of the last ER prior to preparing for this meeting. During *this* meeting discuss all areas indicated for IEP consideration as noted in the last ER and be sure to document your discussions.**

## EVALUATION REPORT (ER) TEAM MEETING AGENDA

Student Name: \_\_\_\_\_

Date: \_\_\_\_\_

Attending:

- Parents' Name(s):
- Classroom Teacher(s):
- Principal/Administrator:
- Special Education Teacher:
- Speech/Language Pathologist/Specialist:
- School Psychologist:
- Occupational Therapist/Physical

Therapist: Meeting Procedures:

1. Make Introductions.
2. State purpose of the meeting: This is an ER Team meeting for \_\_\_\_\_ to see if he/she (still) qualifies for special education services and needs services. Teachers will report on his/her progress, grades, behavior in the school setting. Assessments performed for this meeting will be reviewed.
3. Review procedural safeguards.
4. Ask for Parent's input/suggestions/ concerns.
5. Ask for Student's input/suggestions/concerns.
6. Ask for PT/OT assessment results.
7. Speech and Language Pathologist will report assessment results (if needed).
8. Report on academic test results and observations.
9. School Psychologist will report on psychological assessment results.
10. Team will discuss results and recommendations in education. Does the child qualify for services and need special education services (two-prong test)?
11. Fill-out required Disability Eligibility Criteria for each suspected disability (If the student does not meet disability criteria or does not need special education services, the student is not eligible for special education and related services).
12. Recommend services for consideration by the IEP team.
13. Secure all participating team members' signatures on the participation page of the ER.
14. Provide parents with Prior Written Notice.
15. Give parents a copy of the ER with assessment reports attached or results summarized on the ER.

## ADMINISTRATIVE SUBSTITUTE CRITERIA

In Montana an administrative designee, in the absence of an administrator, could be a sped director or sped administrator (assuming they have appropriate endorsements), a school psychologist, a speech language pathologist, a special education teacher, or other staff member endorsed or certified in one of the previous areas. No other teacher would meet the standard of the regulation. The proviso then, cannot be overstated. The designee has full authority to commit the resources of the district.

OPI renders this advice from a cautious perspective noting the risk of litigation. The Cooperative strongly encourages case managers to discuss the topic of a substitute with the building administrator and establish in advance of any need who should serve in his or her absence. Select someone very familiar with the inner workings of the school environment and someone with the ability to make financial and staffing commitments. Often administrators will want to visit with his/her proposed substitute and discuss constraints, philosophies, and specific delegated authorities in advance of any substitution.

### ***Sec. 300.321 IEP Team.***

*(a) General. The public agency must ensure that the IEP Team for each child with a disability includes--*

- (1) The parents of the child;*
- (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);*
- (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;*
- (4) A representative of the public agency who--*
  - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;*
  - (ii) Is knowledgeable about the general education curriculum; and*
  - (iii) Is knowledgeable about the availability of resources of the public agency.*
- (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section;*
- (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and*
- (7) Whenever appropriate, the child with a disability.*

*(b) Transition services participants.*

- (1) In accordance with paragraph (a)(7) of this section, the public agency must invite a child with a disability to attend the child's IEP Team 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 under Sec. 300.320(b).*
- (2) 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.*
- (3) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of*

*this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.*

*(c) Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section must be made by the party (parents or public agency) who invited the individual to be a member of the IEP Team.*

*(d) Designating a public agency representative. A public agency may designate a public agency member of the IEP Team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.*

*(e) IEP Team attendance.*

*(1) A member of the IEP Team described in paragraphs (a)(2) through (a)(5) of this section is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.*

*(2) A member of the IEP Team described in paragraph (e)(1) of this section may be excused from attending an IEP Team 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--*

*(i) The parent, in writing, and the public agency consent to the excusal; and*

*(ii) The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.*

*(f) Initial IEP Team meeting for child under Part C. In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.*

*(Authority: 20 U.S.C. 1414(d)(1)(B)-(d)(1)(D))*

## PROGRAM PLACEMENT PROCEDURE

PROCESS	STEPS	FORMS
Referral	<ol style="list-style-type: none"> <li>1. Referral Form received, signed, and completed</li> <li>2. Parents notified of referral. Giving parents a copy of the Referral will meet obligation of PWN.</li> <li>3. Evaluation Plan signed by parent</li> <li>4. Procedural Safeguards booklet presented to parent at time of referral</li> </ol>	<ul style="list-style-type: none"> <li>■ Referral for Comprehensive Educational Evaluation; RTI information, Referral information, summary of individual achievement tests sent to Cooperative as soon as possible</li> <li>■ Evaluation Plan</li> <li>■ Procedural Safeguards in Special Education under IDEA booklet</li> </ul>
Evaluation/Reevaluation	<ol style="list-style-type: none"> <li>1. Cumulative file review/review existing evaluation information</li> <li>2. Parental input</li> <li>3. Diagnostic assignments made/determination of whether additional evaluation information needed</li> <li>4. Complete testing</li> </ol>	<ul style="list-style-type: none"> <li>■ Procedural Safeguards in Special Education under IDEA booklet if one has not been received in the last year</li> <li>■ Eligibility Checklist(s)</li> </ul>
Evaluation Report/IEP Meeting	<ol style="list-style-type: none"> <li>1. Parents notified of meeting.</li> <li>2. Evaluation Report document completed and signed.</li> <li>3. Attached reports from attending and non-attending regular teachers</li> <li>4. Attached Test and Observation summaries and/or reports from all evaluators</li> </ol>	<ul style="list-style-type: none"> <li>■ Notifications form</li> <li>■ Procedural Safeguards booklet if needed</li> <li>■ Evaluation Report form</li> <li>■ Student Performance Data form</li> <li>■ Test and Observation Summary forms/reports</li> <li>■ IEP form</li> <li>■ IEP Team Member Excusal Form, if needed (must be done in advance of mtg. and can only be used for an IEP mtg.)</li> </ul>

	<ol style="list-style-type: none"> <li>5. Provide PWN relative to ER.</li> <li>6. IEP forms explained and signed</li> <li>7. Provide PWN relative to IEP.</li> </ol>	<ul style="list-style-type: none"> <li>■ Prior Written Notices</li> </ul>
Annual Review	<ol style="list-style-type: none"> <li>1. Parents notified of meeting</li> <li>2. Summary of current levels of performance</li> <li>3. Recommendations made</li> <li>4. IEP updated and signed</li> <li>5. Prior Written Notice</li> </ol>	<ul style="list-style-type: none"> <li>■ Notification form, Procedural Safeguards booklet if needed</li> <li>■ IEP form</li> <li>■ PWN Form</li> </ul>
Exit	<ol style="list-style-type: none"> <li>1. Parents notified of meeting</li> <li>2. Summary of current levels of performance explained</li> <li>3. Summary of existing evaluation information</li> <li>4. Evaluation Report document completed and signed.</li> <li>5. Prior Written Notice</li> <li>6. Any evaluators' reports attached</li> <li>7. Establish historical file</li> </ol>	<ul style="list-style-type: none"> <li>■ Procedural Safeguards booklet if needed</li> <li>■ Evaluation Report form</li> <li>■ PWN Form</li> </ul>

**Reminder:**

School districts must give parents Procedural Safeguards Booklets at the following times:

- At least once per year
- Upon initial referral or parental request for evaluation
- Upon request by a parent
- Upon the first occurrence of the filing of a complaint with the OPI
- Upon disciplining a student and the decision is made to change the student's placement because of the student's violation of a school code.

## **PRIOR WRITTEN NOTICE**

Prior Written Notice is a step to ensure parents have a meaningful opportunity to participate in the process. Use it any time there is a change to the student no matter who initiates the change. Specifically, it is used whenever there is initiation or change in the evaluation of the student; initiation or change in the identification of the student; initiation or change in the educational placement of the student; initiation or change in the provision of FAPE to the student.

When in doubt, send it out!

### **Tips for Creating a Compliant Prior Written Notice**

- Write the PWN as if you are explaining the items on this notice to a reader who is not conversant with special education or the special education process. Avoid abbreviations, unfamiliar terminology, and educational jargon that may not be understood by all readers, especially when a new student is being evaluated or placed. Write out the names of assessments if they are referenced.
- Complete all of the items on the prior written notice form. Avoid using phrases and terms such as “N/A,” “not applicable,” or “see above.”
- Ensure that each item of information on the form is understandable on its own merit. Don’t rely on another form or another piece of information to convey information that the PWN must communicate. Be sure there is sufficient detail to be understood by all readers, especially when a new student is being evaluated or placed
- When asked to “describe” on the form, provide a comprehensive written account or list the required items.
- When asked to “explain” on the form, provide an adequate justification or reason(s) for the action.
- If the form is completed by the conclusion of a meeting with the parent, review it carefully with the parent. *Recognize it is a district document.* The PWN can be drafted soon after the meeting by someone who was present throughout the meeting. Complex meetings should have complex PWNs; these will often have to be written after the meeting. A bullet format is clean and allows for concise wording.
- Be sure the form is dated and the date is correct.
- Remember to provide a copy of the procedural safeguards notice to the parent. If the safeguards did not accompany the meeting notice for that particular

meeting, provide them at the conclusion of the meeting and document the provision on the prior written notice.

- Do not think verbal notice, text notice, e-mail notice etc. are sufficient.
- An IEP cannot be implemented until the parent receives PWN so there may be some time that elapses between the conclusion of the IEP meeting and implementation of the new/revised IEP.
- Use the last signed IEP until a new IEP is signed following the parent's receipt of the PWN.
- **Montana currently has no waiver form for the PWN requirement.**



### WHEN DO YOU FILL OUT AN EVALUATION PLAN?

- 1) Use the state's Evaluation Plan form if the evaluation(s) you are proposing may result in determination of SPED eligibility through an ER. *If assessments are being requested only to obtain information for the IEP team or an outside agency, a less formal written consent from the parent is adequate. The latter is not uncommon several years after the initial IEP.*
- 2) If the team is planning on holding an ER *to determine eligibility* - in the Evaluation Plan, check only those areas for which the team will conduct **NEW** assessments/evaluations. If the team will rely upon existing assessment information from another district or outside evaluator like a doctor, do not check that area on the Evaluation Plan. (OPI monitors will check to see that all areas for which we seek permission to test are, in fact, evaluated.)
- 3) Do not use phrases like, "As needed, following review of existing data." Before you complete the Evaluation Plan form, each team member will have to look at the existing records in their area of specialty to determine if new testing is needed. In other words, communicate and plan well together ahead of seeking permissions.
- 4) DO NOT check the "PHYSICAL" box for vision and hearing screening by the school nurse. Vision and hearing screenings conducted by the school nurse are not viewed by OPI as being "PHYSICAL" assessments. OPI's position is that we must only check the "PHYSICAL" box if those vision &/or hearing evaluations will be conducted by vision &/or hearing specialists (i.e., ophthalmologists &/or audiologists). If we need these, we pay for these. You should continue to engage the nurse to screen for vision & hearing difficulties, as these are 'exclusionary categories.' We just won't have permission to conduct them on the Evaluation Plan. I encourage you to seek these permissions separately. This is often done in conjunction with handbooks, media releases, directory releases, etc.
- 5) If you do administer additional testing to enrich IEP discussions, be sure to reference those tests, their results, and related discussions in your IEP notes. Also, if you are reviewing outside evaluations like those coming from medical personnel, be sure, again, to reference those in your IEP notes. I would also advise you to upload into AIM and to file copies in the hard copy file of any permission that you secure from parents. Similarly, if during ER's outside testing/service not pertaining to eligibility is reviewed, be sure to include notes reflecting such in the notes section of an ER.

## TRANSDISCIPLINARY GOALS

Given the impact of the Common Core, the national association guidelines from APTA and AOTA, and the definition of related services provided by OPI, in 2013/2014 YWCCSSC chose to implement trans-disciplinary goal writing as related services pertain to the IEP.

Recall, physical therapy (PT) and occupational therapy (OT) are a related service under all IEPs.

As a related service, PT and OT need to relate to and support the IEP. *PT and OT cannot stand alone.* As the Montana Guide for PT and OT states,

A related service is one which is needed to assist the child with a disability to benefit from his or her special education. Physical therapy or occupational therapy services will be provided by the school district as a related service only when the child's special education program requires it.

Accordingly the IEP team develops measurable annual goals and objectives based on the student's educational needs. Following the Evaluation Report meeting, the physical therapist and occupational therapist assist the IEP team in writing a single set of discipline-free goals. These ARE NOT separate OT and/or PT goals but student-specific goals agreed upon by the IEP team with input from OT and/or PT members. After the IEP goals and objectives are developed, the IEP team determines the student's need for related services. The type and level of OT and/or PT services required to meet the goals are based on the need for related service in the areas of sensory-motor function and environmental and materials adaptation. Simply, all therapeutic services must support one or more of the student's identified goals and can be delivered on a consultative or direct basis.

Direct services consist of individual interventions that are designed and carried out with the student individually or in a small group. Direct services are used when a child needs support from a very specialized therapeutic technique that cannot easily or safely be carried out by others. The child can be removed from the regular classroom for short periods of time. Consultative services to the teacher, parent, and other staff should be used in conjunction with direct services.

Consultative services include a collaborative effort between the therapist and the teacher, paraprofessional, parents, etc. All professionals share the responsibility for identifying the problem as well as creating and altering possible solutions. The expertise lies within the therapist but the program and techniques are carried out by the entire team. Even though a therapist is providing consult services, there will be instances where the OT and PT will work directly with the student. Direct knowledge of the student is critical in being able to provide consultation.

PT and OT will work with school staff to write MAGs for the student and continue to take data on the MAGs they support. PT and OT will also continue to write PLAAFPs in the areas that are appropriate and put data into progress reports.

This allows PT and OT to work more closely with school staff to achieve goals as a team that will help the student be more successful and have better carryover in the school day.

Montana guidelines for PT and OT state,

“The OTs and PTs should be prepared to help other team members, including aides and paraprofessionals to provide supportive and routine services. For instance, other team members may carry over activities and provide practice opportunities during the week using techniques learned from the OT and/or PT to support generalization of skills and use of environmental supports recommended by the therapist. These activities are supportive and routine but are not providing occupational therapy or physical therapy.”

### **EXAMPLES OF TRANSDISCIPLINARY GOALS:**

Student will visually follow words from left to right, top to bottom and page by page \_% of the time as measured by school staff and supported by OT. (Teacher will look at reading skill while OT will look at visual tracking skill.)

Student will form \_#\_ out of 26 uppercase letters correctly \_% of the time as measured by school staff and supported by OT. (Teacher looks at written expression progress while OT supports fine motor skills and visual perceptual skills.)

Student will stabilize paper with one hand while (drawing, completing math work, writing, etc) to compose text \_% of the time as measured by school staff and supported by OT and PT. (Teacher looks at neat work and ability to produce work; OT looks at bilateral integration and bilateral hand use; PT looks at shoulder and posture stability.)

Student will be able to follow \_ number of steps/directions to complete a give task \_% of the time as measured by school staff (SLP) and supported by OT and PT. (Teacher looks at ability to follow direction during class work. SLP looks at ability to follow direction during problem solving or reasoning task; OT and PT look at following direction during motor (fine or gross) activity and body awareness during same.)

Student will be able to navigate through school (hallways, classroom, bathroom, gym, cafeteria, playground, etc) independently \_% of the time as measured by school staff and supported by PT. (Teacher looks at student's ability to get from point A to point B in a timely and efficient manner not interrupting instruction, and PT looks at body awareness, ability to change direction, speed and motor planning.)

Student will hold a pencil using an age appropriate pencil grasp (tripod or quadrupod) and maintain an upright posture \_% of the time when (drawing, coloring, writing, etc) to present knowledge and ideas as measured by school staff and supported by OT and PT. (Teachers look at student's ability to

produce expected level of work, and OT looks at wrist and hand strength and movement. PT looks at shoulder and core stability.)

Student will be able to use pincer grasp (thumb and pad of index finger working together) \_ #\_ out of 10 trials, to sort object and make connections between words and objects as measured by school staff and supported by OT. (Teacher looks at the sorting aspect, and OT looks at the fine motor aspect.) (A goal could also be associated with counting or using math manipulatives.)

Student will exhibit age appropriate body awareness (maintaining personal space, keeping hands to self, not bumping into other students or objects, lockers or walls, etc.) when actively engaged in group activity as measured by school staff and supported OT and PT. (Teacher looks at behavior and safety while PT and OT look at student's ability to process sensory stimulation, moving body in space and ability to control their body in that space) Student will leave appropriate spacing between (words, drawings, equations, etc.) \_% of the time as measured by school staff and supported by OT. (Teacher looking at neatness and work production, OT looking at visual perceptual and visual motor skills)

Student will apply appropriate pressure on pencil\_% of the time when (drawing shapes, writing, etc) as measured by school staff and supported by PT and OT. (Teacher looks at neat/readable work production. OT looks at sensory-motor and wrist/hand strength while PT looks at shoulder and postural stability.)

Student will be able to pick and/or gather objects during classroom instruction from various heights as measured by school staff and supported by PT and OT. (Teacher looks at classroom participation. PT looks at balance and mobility. OT looks at grasping and visual scanning skills and directionality.)

Student will maintain a proper level of sensory arousal in order to follow classroom rules/routine \_% of the time as measured by school staff and supported by PT and OT. (Teacher looks at student's ability to function in class without disrupting others, and PT and OT look at sensory processing.)

Student will be able to (zip, button, snap, tie, Velcro) (coat, pants, shoes, etc.) \_% of the time as measured by school staff and supported by OT. (Teacher looks at self-help skills. OT looks at fine motor skills and hand strength/dexterity.)

Student will be able to access \_ pieces of playground equipment \_% of the time as measured by school staff and supported by PT. (Teacher looks at social interaction/independence and PT looks at higher level gross motor skills.)

## **HOW TO WRITE PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE**

Present Levels of Academic Achievement and Functional Performance (PLAAFP) describe a student's level of skill and ability at the time of the IEP. The PLAAFP explains what the student can do and identifies the student's unique needs. The PLAAFP creates a baseline and provides information from which to write measurable annual goals. The PLAAFP should be specific and include units of measurement (number, percentage, prompt level, etc.).

**PLAAFP** statements must:

- Provide information about current performance;
  - Strengths?
  - Needs related to the student's disability?
    - How does the student's disability affect the student's involvement and progress in the general education curriculum (the same curriculum as for nondisabled students) OR for preschoolers, how does the student's disability affect involvement in age-appropriate activities?
  - Current levels of academic achievement and functional performance?
- Be related to the Measurable Annual Goals; and
  - There is a direct relationship between the MAG and the needs identified in the PLAAFP  
 Together, the PLAAFP and MAG specify how well the student is functioning today and how well the student is expected to perform in a year.
- Provide baseline information for the development of Measurable Annual Goals; and
  - Question: Does the PLAAFP establish a baseline of information about the student that can be used as the starting point from which to determine progress toward annual goals?
  - Baseline data provides the starting point for each measurable annual goal, so there must be one baseline data point for every measurable annual goal in the child or youth's IEP. Baseline data in the PLAAFP are derived from locally developed or adopted assessments that align with the general education curriculum. Also, when selecting baseline data, it needs to be:

- specific-to the skill/behavior that is being measured,
  - objective -so that others will be able to measure it and get the same results,
  - measurable—it must be something that can be observed, counted, or operationally defined, and collected on a frequent basis- ---  
*When progress reports are sent out, the progress of the child or youth toward the goal will have to be reported using the same measurement method as used to collect the baseline data.*
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- Describes both academic and non-academic areas such as classroom, community, bus, lunchroom
  - Includes current formal and informal educational performance data
  - Describes performance areas meaningful in the student's life and daily environment
  - Uses understandable language
  - Describes learning accommodations, learning strategies
- 
- State how the disability affects the student's involvement and progress in the general curriculum or, for preschool children, involvement in appropriate activities.
    - o Question: Does the PLAAFP address program modifications, accommodations, learning strategies, etc. that help the student participate in general education curriculum and environments?

To what extent, if any, the student would not be involved in the general curriculum or, for preschoolers, age-appropriate activities?
  - Comparative statement regarding student's level of functioning when compared to non-disabled peers.

## **E2: Describes academic performance (qualitative and quantitative)**

*Quantitative:* expressible in terms of quantity; involving the measurement of quantity or amount

*Qualitative:* relating to, or involving quality

Source: <http://www.merriam-webster.com/dictionary>

## **E3: Describes functional performance (ability to apply knowledge)**

How is the student using the skills they do have to do what they need to in the classroom?

E4: Describe how the disability affects involvement and progress in regular curriculum

The comparison can be made two ways:

1. Comparing to “typical peers” (peer oriented)
2. How the disability specifically affects the student (student oriented)

Examples of PLAAFPs:

PLAAFP: Lucy is a student with a disability that affect her performance and progress in the general education mathematics curriculum. Her Mathematics RIT (Rasch Unit) score was 175, the mean RIT for grade-level is 200. Typical grade level peers are expected to demonstrate the following skills: representing and solving problems (including multi-step word problem) involving addition, subtraction, multiplication and division, using place value understanding and properties of operations to perform multi-digit arithmetic, representing fractions, recognizing and generating simple equivalent fractions, describing and analyzing of two-dimensional shapes, telling and writing time to the nearest minute and measuring intervals in minutes, showing and understand of the concepts of area by relating area to multiplication and addition with 75-85% accuracy. In the classroom, Lucy's fluency and skill level of basic math concepts prevent her from building an understanding of more complex operations. Lucy performs the following skills/operations with 70% accuracy: multiplying 1 and 2 digit numbers, solving single step word problems utilizing addition, subtraction and multiplication, identifying and writing fractions, representing and interpreting data from a table or graph, and finding the perimeter and area of polygons. Additionally she can: tell time to the nearest minute and measure elapsed time intervals in minutes, apply the area and perimeter formulas for rectangles in real world and mathematical problems, identify equivalent fractions, add and subtract fractions with like and unlike denominators, fluently multiply and divide with 100, and solve multi-step word problems utilizing addition, subtraction, multiplication and division with 5-15% accuracy.

PLAAFP: In the winter of 2013 Lucy scored a in the 2<sup>nd</sup> percentile for Language Usage; her RIT (Rasch Unit) score was 168. The mean RIT for grade-level peers in Language Usage is 194.6. Grade level peers are expected to examine a topic and convey ideas and information by clearly demonstrating command of the conventions of standard English capitalization, punctuation, and spelling when writing with 75-85% accuracy. They are expected to write opinion pieces, informative/explanatory texts and narratives by introducing topics clearly, grouping related information in paragraphs and developing

the topic with facts definitions, concrete details, or other information and examples related to the topic and by providing a conclusion related to the information, opinion, or narrative experience with 75-85% accuracy. In the classroom, Lucy struggles to convey her ideas and experiences or information she knows in an organized, 'readable' format. When given a writing topic related to opinion, narrative experiences, or factual information she wants to communicate, Lucy can write a paragraph demonstrating clear organizational structure by composing a topic sentence, 3-4 sentences supporting details, and a concluding sentence with appropriate capitalization, punctuation, spelling and grammar with 25% accuracy. She spells a modified list of 10-12 second grade level spelling words with 65% accuracy on weekly tests.

### **Not so good examples of PLAAFPs:**

PLAAFP: Student seems calmer and more settled this year in the school, but she is still stumbling over some of the difficult words in her 6th grade textbooks. This is not specific about what the student is doing and why she needs help. Is she reading at a 6th grade level? What does, "stumbling over" mean?

PLAAFP: Currently, student is receiving a D average on her daily reading. Student reads slowly and lacks basic phonetic skills. Her oral comprehension skills are high, but she needs to increase her word attack skills and reading fluency (WJ3 = Broad Reading 2.6, SS 82; Basic Reading 2.6, SS 86).

It's better to write out "Woodcock Johnson III" than to use an acronym. Also, what does the number "2.6" mean to the parent? You could include it as "2.6 grade equivalent" to give the parent reference of what the number means. It is not usually necessary to include scaled scores in the IEP as they have meaning only to other educators who can access the test results in the special education file.

PLAAFP: Student has also improved in written language. She sometimes missed deadlines/due dates on written work, even with extended time. She needs to continue use of proofreaders and assistive technology devices. Ideas are good, mechanics need work. Her progress may be slowed when not given extended time for writing. Improved in written language from where? (no level given) Which mechanics need work and how is that addressed by the STOB below?

PLAAFP: Student is unable to function with peers her age and grade level. Math testing on Woodcock showed a KGT level (9/03). What exactly can the student do? "Function with peers" could be anything.



## **OBSERVATIONS**

Observations may be included in the classroom-based assessment, the psychological report or may be written in a separate report. When included in another report, observations should be clearly identified as such.

Observations must include implications for educational planning in terms understandable to all team members.

Observations are required for both initial and reevaluation determinations of eligibility

Observations are staff's objective impressions that document the student's overall functional, behavioral and academic progress during the school year. These observations do not have to be a "snapshot" of the student's behavior on a particular date and time.

Any member of the Evaluation Team may conduct the observations. However, for a student suspected of having a specific learning disability the observation may also be conducted by a remedial reading teacher. In the case of a student of less than school age or out of school, a team member must observe the student in an environment appropriate for a student of that age.

For a preschool-age student, a classroom setting may be the child's home or child care environment.

For a student attending a private school, a representative of the private school who participates at the Evaluation Team meeting could conduct the observation, or another member of the Evaluation Team could observe the student in the private school setting.

Observations cannot be delegated to paraprofessionals.

Suggestions follow.

## CLASSROOM OBSERVATION FORM - ELEMENTARY

Name of Student: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 School: \_\_\_\_\_  
 Grade: \_\_\_\_\_  
 Teacher: \_\_\_\_\_  
 Observer: \_\_\_\_\_

### MOTOR

Handedness (left, right, undecided, etc.)

\_\_\_\_\_

Paper/pencil position (paper slanted/not slanted, pencil held correctly/incorrectly, etc.)

\_\_\_\_\_

Fine motor ability (difficulty writing, coloring, cutting, copying, etc.)

\_\_\_\_\_

Gross motor ability (awkward walking, running, doesn't participate in playground games, etc.)

\_\_\_\_\_

Other

\_\_\_\_\_

### LANGUAGE

Quantity (doesn't speak, only responds to specific questions, answers with "yes," or "no," etc.)

\_\_\_\_\_

Quality (speech impediment, language disability, whispers, etc.)

\_\_\_\_\_

Other

\_\_\_\_\_

### PERCEPTION

Tactile/kinesthetic (experiences difficulty writing on board, has trouble completing puzzles, etc.)

\_\_\_\_\_

Auditory (needs oral directions repeated, inattentive during story time, etc.)

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Visual (can't match patterns, doesn't note important details in pictures, etc.)

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Other

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## BEHAVIORS

Ability to attend (daydreams, short attention span, etc.)

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Fatigue factors (tires in early afternoon, requires more time to complete tasks, etc.)

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Organizational ability (worksheets are confusing; writing doesn't follow lines, etc.)

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Frustration factor (gives up easily, won't try difficult tasks, etc.)

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Signs of tenseness (holds pencil very tightly, frowns with concentration, etc.)

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Distractibility – seeing (attends to students walking by, colorful pictures on wall etc., instead of task)

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Distractibility – hearing (attends to sounds in hall, others talking nearby, etc.)

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Functioning in a group (works best with others, hides in group, etc.)

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Functioning one-on-one (performs better with individual attention, hates to be singled out, etc.)

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Socialization level (introvert, extrovert, leads others, etc.)

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Other

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### CLASSROOM OBSERVATION FORM – SECONDARY

Name of Student: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Teacher and Class: \_\_\_\_\_ Observer: \_\_\_\_\_

General Classroom Behavior:

Interactions with Teacher(s):

Interactions with Students:

Verbal Skills:

Written Skills:

Study Habits and Note-taking Preferences/Skills:

Preferred Environments:

Preferred Methods of Assessment:

## **TIPS FOR MAINTAINING CONFIDENTIALITY REGARDING STUDENTS RECEIVING SPECIAL EDUCATION SERVICES**

### **ER/IEP**

The ER and IEP are a part of the student's educational record containing personally identifiable information and are therefore kept in a locked filing cabinet. Only those persons with a legitimate educational interest can review these records. When these records are removed from the file, the access log must be signed and dated and the reason for reviewing the records must be documented. Having access to this information goes with the understanding that it is to be treated as privileged and a matter of confidentiality.

### **ER/IEP Meetings**

At times during these meetings there may be information shared by the parents that would assist with making eligibility or programming decisions but is not documented on the form. This information is also confidential even though it may not become a part of the official minutes or records.

### **Special Education Program**

Conversations and consultations frequently take place between team members throughout the school day. Members include school social workers, school psychologists, school health nurses and outside consultants along with the special education teacher and paraprofessionals. Many schools do not have private conference rooms so these meetings may occur in various school areas. These conversations, if overheard, are confidential and should not be discussed with others.

### **General Education Classroom**

Again, the information about a particular special education student is confidential and should only be shared by those individuals who have a legitimate educational interest.

### **Parents**

Special education and general education personnel frequently have contact with parents both in the school setting and the community. Confidentiality procedures apply in the community as well. In the past, lawsuits have been initiated by parents on behalf of students due to this breach of confidentiality. Conversations pertaining to specific students have been overheard in public areas. The best way to avoid any confrontation is to respect the confidentiality of each student. Conversations regarding specific students must be confined to the school setting and occur only with adults directly and legitimately involved with the student.

These procedures are the basis for the legal mandates entitled the Family Educational Rights and Privacy Act and the Individuals with Disabilities Education Act. These laws prohibit information disclosure to anyone other than parents and school persons who have a legitimate educational interest

without parental consent. The laws are intended to assist in safeguarding the legal rights of both students with disabilities and their parents.

### **SPECIAL EDUCATION RECORDS BROUGHT/SENT TO THE COOPERATIVE FOR DESTRUCTION**

- ALL special education records brought/sent to the Cooperative Office for destruction MUST have a clearly displayed, completely filled out Student Exit Form which can be found on our website at [www.ywccssc.k12.mt.us](http://www.ywccssc.k12.mt.us) (Forms & Handouts > Co-op Forms for Member Schools > Student Exit Information Form). If the student was tested and did not qualify with a disability, the materials in their entirety as prepared for the ER should be placed in the cumulative file. If you are uncomfortable with the psychological test being included given sensitivity of background information held within, then you may insert a paper document that indicates where that report may be found instead. Be sure to retain the latter if you do so as the cum. folder contents will be kept for the duration of the school career.
- Any records brought to the office without a Student Exit Form will be returned to the appropriate case manager.
- Please bring /send old special education files to the Cooperative anytime throughout the school year. We ask that you do not save them up and bring them the last week of school as we do not have staff at that time to process the files.
- Please review and remove documents not required to be in the special education file.
- **ALL (CURRENT AND CLOSED) SPECIAL EDUCATION FILES MUST BE KEPT IN A SECURE (LOCKED) FILE CABINET WITH A STATEMENT OF THE PERSONNEL RESPONSIBLE FOR MAINTENANCE OF CONFIDENTIALITY CLEARLY DISPLAYED.**
- **If you have questions regarding record retention and destruction, please call the Cooperative Office --- 628-7903.**

## **HEARING TESTS**

The Cooperative encourages the use of the permission form below.

### **HEARING CONSERVATION PROGRAM**

#### **Parent/Guardian Consent Form**

Hearing screening is conducted at your child's school as part of the Office of Public Instruction's Hearing Conservation Program. Pure tone screening is mandated for students in grades K, 1, and 10. This screening is designed to determine a child's ability to hear varying pitches, from low to high pitch. The tones are presented at a level that is very quiet and the child is asked to indicate when they hear a tone by, for example, raising their hand. If a child does not hear these soft tones, his or her hearing may be impaired. A hearing impairment may, and often does, affect a child's speech and language development or school performance.

Your child is not in one of the mandated test grades but has been referred for the following reason:

\_\_\_ new to this school                      \_\_\_ annual recheck/known hearing loss                      \_\_\_ teacher or parent referral

If your child is absent, unable to complete the pure tone screening, or does not pass the pure tone screening; they will be referred for a hearing rescreen. John Keener, the Hearing Conservation Program audiology assistant, will be coming to the school for the hearing rescreen. At that time, in addition to the pure tone screening described above, he may also conduct one or both of the following:

**Otoacoustic Emissions (OAEs) Screening:** This is a measure of cochlear (inner ear) function that does not require the child to respond behaviorally. It is used with infants or children who are unable to indicate when they hear a tone. Certain pitches are screened and a passing response indicates that hearing levels are at least 30 dB or better. This does not replace pure tone screening but does provide useful information when pure tone results cannot be attained.

**Immittance Screening:** This screening measures the movement of the eardrum and assesses the condition of the middle ear by putting positive and negative pressure into the ear canal. It is a very sensitive test and can identify the presence of a middle ear problem. A common middle ear problem is fluid behind the eardrum. If fluid builds up behind the eardrum, it may act as a plug, impairing a child's ability to hear.

This screening will not be done without your written consent. Your signature gives consent for your child, whose name appears below, to have their hearing screened during the current school year.

---

Signature of child's parent/guardian

Date

If you have any questions, please contact the person making this referral:

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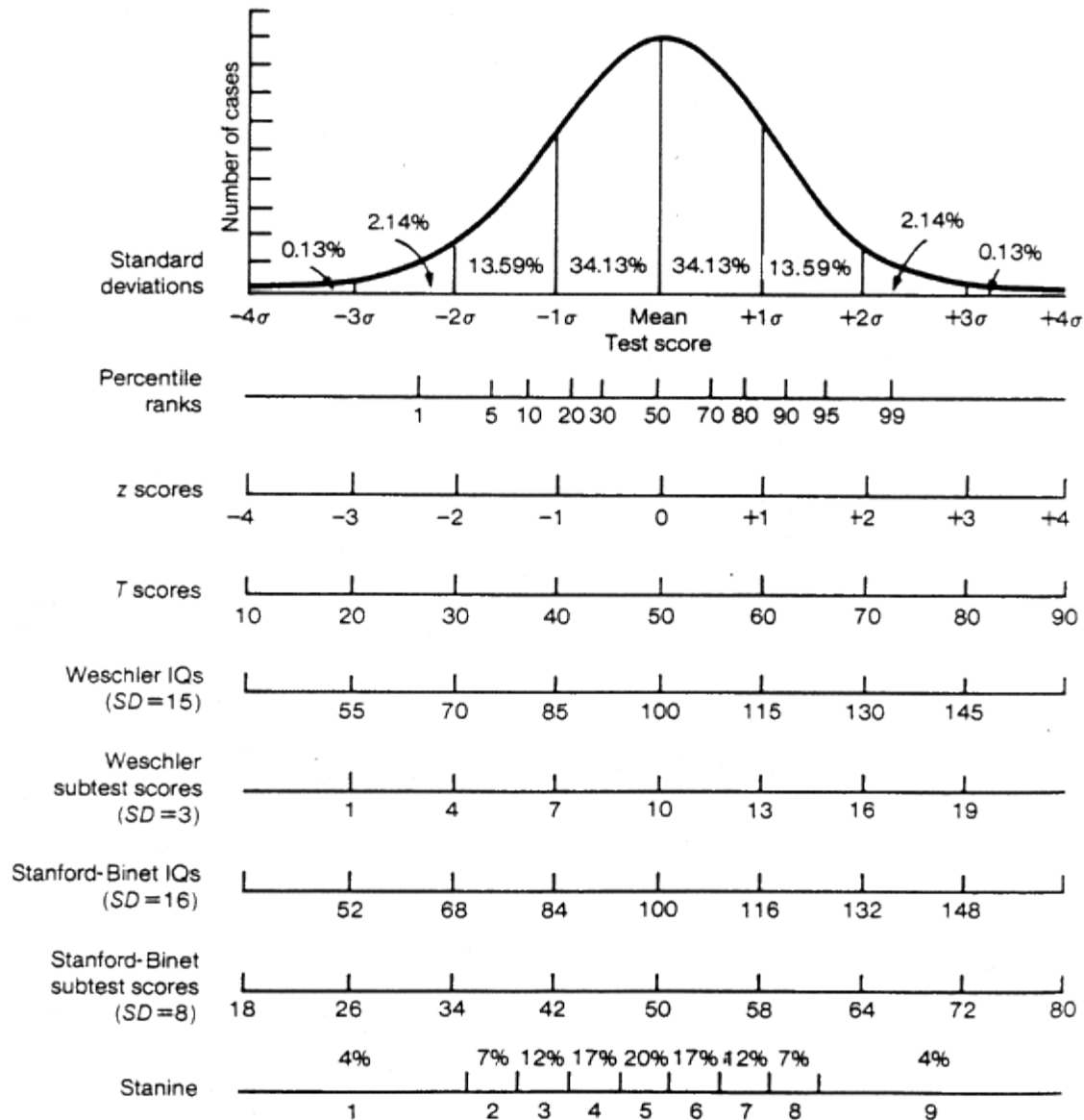
Referring Teacher or School Personnel

### **RECOMMENDED TESTING PRACTICES**

1. Always test in a quiet, non-distracting location.
2. Read through the manual of any new test and practice, practice, practice before administration.
3. Always follow standardized instructions in manual.
4. Obviously, never provide assistance or clues beyond what is specified in the manual.
5. Always make sure you have correctly established basal and ceiling rules before proceeding to the next subtest. Never end a test prematurely before reaching the ceiling.
6. Double or triple check scoring of each subtest.
7. When presenting results to the Evaluation Team:
  - Discuss the broad or composite scores first, Then, if necessary, elaborate further by discussing the individual subtests, making sure to explain what each subtest measures.
  - Use the standard scores and percentiles to explain the results.
    - Standard scores have a mean of 100, with the average being 90-110.
    - Percentile rank is a measure that tells us where a student's score falls in relation to other students his/her age. For example, a percentile score of 75 means that he/she performed as well as, or greater than 75 out of 100 students his/her age (or grade depending upon the normative sample used).
  - Explanations can be enhanced with the bell curve chart, which allows a visual representation.
  - *Avoid age and grade equivalents, which can be misleading and confusing to parents.*
8. **When in doubt, call or e-mail one of the school psychologists with questions.**



## COMPARISONS OF THE NORMAL CURVE AND COMMONLY USED STATISTICAL CONCEPTS:



## COMMON TESTING TERMS

**Percentile Rank** - A given percentile score tells you what percentage of persons would score lower and what percentage would score higher than a given score. For example, a percentile rank of 36 indicates that 36 percent of the population would score lower, while 64 would score higher.

**Raw Score** - A raw score is the total number of correct answers for a given subtest. It is a score that has no real meaning, since it does not allow us to compare that person's performance with any standard or norm group. For example, a person could get a raw score of 15 on a test where there are 30 items and this could be an excellent performance for a given age group that would put him in the top three percent for his age; but one would not know this based on looking only at the raw score. To be meaningful raw scores need to be changed into some type of standard score.

**Reliability** - Reliability tells us the extent to which a client will tend to obtain the same test score on a repeated basis, no matter who gives the test or when it is given.

**Scaled Score** - A scaled, score is basically a standard score that is applied to a subtest, which represents one part of the overall test. Thus, on the Wechsler Scales each subtest has a mean scaled score of 10 and a standard deviation of three. Here again, the most important thing about a scaled score is that it allows us to make a ready comparison with the norm group

**Standard Deviation** - This is a statistical term strived at by a rather complicated formula in order to tell you how scores are grouped in a data sample. The smaller the standard deviation, the closer these scores are grouped around a mean or average point. The larger the standard deviation, the more that the scores are "spread out" or scattered randomly. Psychometric and intelligence tests are carefully constructed in order to create a small standard deviation so that scores are tightly grouped in relation to the mean. .

**Standard Error of Measurement (SEm)** - This is an additional statistical term that tells us about the reliability of a test. It helps us determine how much we would expect a person's score to vary if he were tested frequently. Statistically, the chances are two out of three that a person's "true" score will fall within  $\pm 1$  SEm. The chances are 95 percent that it will fall within  $\pm 2$  SEm. For adults tested on the Wechsler Adult Intelligence scale – 3<sup>rd</sup> Edition, the SEm for the Full Scale I.Q. score is about 2-2.5 points (the range is 1.90 to 2.58). Thus if we round this to 2.5, then we would expect that an I.Q. score of 69 would fall between 66.5 and 71.5 two-thirds of the time. We would expect that it would fall between 64 and 74 ninety-five percent of the time if the person were retested on future occasions. This tells us that the WAIS-III is a reliable test since very similar scores will tend to occur over time. However, it is not perfect. Scores at different times with different clinicians will change. The SEm varies for each test and on the basis of age. I.Q. scores for most intelligence tests have a SEm of 2-5 points.

**Standard Score** - A standard score represents a statistical transformation of a raw score such that it does have meaning in comparison to a norm group. Standard scores can be readily compared with each other because they tell us where the person falls on the normal curve or give us a percentile rank for where the person performs in relation to his/her age peers. Most I.Q. tests use a standard score of 100, with a standard deviation of 15. Other tests might have different standard scores (e.g., mean of 50 and a standard deviation of 10), but these would be interpreted in the same way, i.e., by looking at a table of percentile ranks for that particular standard score in order to know whether it is falling in the middle or at some extreme point.

**T-Score** - This is a type of subtest scaled score that has a mean of 50 and a standard deviation of 10. It is used for the MMPI-2 and some other tests.

**Validity** - Validity indicators tell us whether or not the test is sampling what we want it to measure. Does it predict how a person will function in society? Does it predict how a person will perform in school? There are a large number of validity measures that can be evaluated for each test.

## **COMMON FORMS**

Please consult the Cooperative website at [www.ywccssc.k12.mt.us](http://www.ywccssc.k12.mt.us) as well as the Office of Public Instructions website at <http://opi.mt.gov/Programs/SpecialEd/Index.html> Forms are routinely updated so websites are your better source. Also, most special education documents should be created and saved on AIMS/Infinite Campus.

A number of commonly used forms follow.

**SPECIAL EDUCATION ACCESS LOG**

*If you use newer Cooperative folders, this form is printed on the cover.*



*This form is for internal use at the Cooperative. Please complete it upon student entry into your special education program. Be sure to review and complete Transfer Documentation in AIMS if appropriate.*

## NEW STUDENT

Special Education Information Form

**Please return completed form to:**

Yellowstone-West/Carbon County Special Services Cooperative

410 Colorado Avenue

Laurel, MT 59044

FAX: 406-628-7935

STUDENT'S NAME: \_\_\_\_\_ SEX: \_\_\_\_\_  
(First) (Middle Initial) (Last)

BIRTHDATE: \_\_\_\_\_

RACE/ETHNICITY (circle one):

01	American Indian or Alaskan Native
02	Asian or Pacific Islander
03	Hispanic or Latino
04	Black or African American (not Hispanic)
05	White (not Hispanic)

HOME ADDRESS: \_\_\_\_\_

PARENT/GUARDIAN: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

SCHOOL ATTENDING: \_\_\_\_\_ GRADE: \_\_\_\_\_

DISABILITY CATEGORY:

- |  |  |
|--|--|
| <input type="checkbox"/> AU (Autism)                       | <input type="checkbox"/> DD (Developmental Delay ages 3-5) |
| <input type="checkbox"/> CD (Cognitive Delay)              | <input type="checkbox"/> DB (Deaf/Blindness)               |
| <input type="checkbox"/> DE (Deafness)                     | <input type="checkbox"/> HI (Hearing Impairment)           |
| <input type="checkbox"/> ED (Emotional Disturbance)        | <input type="checkbox"/> OI (Orthopedic Impairment)        |
| <input type="checkbox"/> LD (Specific Learning Disability) | <input type="checkbox"/> SL (Speech/Language Impairment)   |
| <input type="checkbox"/> OH (Other Health Impairment)      | <input type="checkbox"/> VI (Visual Impairment)            |
| <input type="checkbox"/> TB (Traumatic Brain Injury)       |  |

RELATED SERVICE(S): ☐ Speech/Language Therapy ☐ Physical Therapy ☐ Occupational Therapy

TEACHER SIGNATURE: \_\_\_\_\_

## SPECIAL EDUCATION EXIT FORM

*To be completed by the case manager, placed on the student folder, and forwarded to the Cooperative Office. Please do not send folders to the office without completing this sheet. Please avoid mass deliveries the final week of school.*

**Mail to:       Yellowstone-West/Carbon County  
Special Services Cooperative  
2016 Grand Avenue, Suite C  
Billings, MT 59102**

**FAX: 406-839-2345**

Special Education Exit Information

**Date of Exit:** \_\_\_\_\_

Student: \_\_\_\_\_

D.O.B: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

Person Completing Form: \_\_\_\_\_

The above named student exited from a special education program in the Yellowstone-West/Carbon County Special Services Cooperative for the following reasons: (check all that apply)

\_\_\_\_\_ Graduated

\_\_\_\_\_ Moved, known to be continuing

\_\_\_\_\_ Moved, not known to be continuing

\_\_\_\_\_ Returned to regular education

\_\_\_\_\_ Deceased

\_\_\_\_\_ Other

**(Remember to exit student in AIM/Infinite Campus)**



## CONSENT FOR MUTUAL EXCHANGE OF INFORMATION

*Please note: most medical facilities want their own forms utilized. Visit their individual websites regarding releases.*

**Yellowstone-West/Carbon County Special Services Cooperative**  
410 Colorado Avenue • Laurel, MT 59044 • (406) 628-7903

### CONSENT FOR MUTUAL EXCHANGE OF INFORMATION

I hereby give permission for mutual exchange of information and record among the Yellowstone-West/Carbon County Special Services Cooperative, the school of enrollment and the following organization(s):

*Please list names/addresses above of those persons or agencies involved with your child presently or in the past (doctors, clinics, hospital, therapists, school, etc.).*

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**Parents(s): Please INITIAL on the line next to the requested records:**

<input type="checkbox"/> Patient History	<input type="checkbox"/> Current Evaluation Report and/or IEP
<input type="checkbox"/> Medical Reports	<input type="checkbox"/> Psychological Report
<input type="checkbox"/> History/Physical	<input type="checkbox"/> Speech/Language Therapy Reports
<input type="checkbox"/> Growth Grids	<input type="checkbox"/> Physical Therapy Reports
<input type="checkbox"/> Consultation Reports	<input type="checkbox"/> Occupational Therapy Reports
<input type="checkbox"/> Surgical Reports	<input type="checkbox"/> Audiological Evaluation
<input type="checkbox"/> Admission Summary	<input type="checkbox"/> Telephone Conference
<input type="checkbox"/> Dismissal Summary	<input type="checkbox"/> Other
<input type="checkbox"/> Social History	<input type="checkbox"/>
<input type="checkbox"/> Custody Agreement	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

**From the records of:**

\_\_\_\_\_  
Child's name

\_\_\_\_\_  
Signature of person giving consent

\_\_\_\_\_  
Child's date of birth

\_\_\_\_\_  
Date

\_\_\_\_\_  
School

\_\_\_\_\_  
Relationship to child

## REFERRAL FOR MEDICAL DIAGNOSIS

*The Cooperative encourages the building administrator to complete this form. Schools are financially responsible for these evaluations. The Cooperative also encourages coordination with the child's school psychologist.*

### YELLOWSTONE-WEST/CARBON COUNTY SPECIAL SERVICES COOPERATIVE

#### REFERRAL FOR MEDICAL EVALUATION

TO \_\_\_\_\_ FROM \_\_\_\_\_  
STUDENT BEING REFERRED \_\_\_\_\_  
DATE OF BIRTH \_\_\_\_\_ GRADE \_\_\_\_\_  
SCHOOL \_\_\_\_\_ ADDRESS \_\_\_\_\_  
DATE OF REFERRAL \_\_\_\_\_

#### EDUCATIONAL/PSYCHOLOGICAL SUMMARY

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#### EDUCATIONAL CONCERNS AND REMEDIATION EFFORTS TO THIS POINT

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#### SPECIFIC MEDICAL CONCERNS

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It is hoped that this information will be helpful to you when examining this student. If you need further information about this student, please contact the individual whose name appears below:

SCHOOL OFFICIAL \_\_\_\_\_  
ADDRESS \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

Dear Parent or Guardian:

Your signature below will enable the physician to complete this evaluation and send us the findings. This information will assist us in providing your child with the best possible services.

PARENT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

## CONSENT TO INVITE OUTSIDE AGENCY

*This form is frequently used anticipating Transition IEP's.*

**Yellowstone-West/Carbon County Special Services Cooperative**  
410 Colorado Avenue • Laurel, MT 59044 • (406) 628-7903

### CONSENT TO INVITE OUTSIDE AGENCY

The school district is required to have your permission before inviting a representative of any agency(ies) or professional(s) listed below to your child's Evaluation Report Meeting, IEP, or progress meeting. If you wish for the agency(ies) or professional(s) to attend meetings for your child, please sign this form and return it to the school district. If you have questions, please contact the IEP Manager at the phone number below.

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### CONSENT FOR MUTUAL EXCHANGE OF INFORMATION

I hereby give permission for mutual exchange of information and record among the Yellowstone-West/Carbon County Special Services Cooperative, the school of enrollment and the following organization(s):

*Please list names/addresses above of those persons or agencies involved with your child presently or in the past (doctors, clinics, hospital, therapists, school, etc.).*

---

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---

**Parent(s): Please INITIAL on the line(s) next to the requested records:**

<input type="checkbox"/> Patient History	<input type="checkbox"/> Current Evaluation Report and/or IEP
<input type="checkbox"/> Medical Reports	<input type="checkbox"/> Psychological Report
<input type="checkbox"/> History/Physical	<input type="checkbox"/> Speech/Language Therapy Reports
<input type="checkbox"/> Growth Grids	<input type="checkbox"/> Physical Therapy Reports
<input type="checkbox"/> Consultation Reports	<input type="checkbox"/> Occupational Therapy Reports
<input type="checkbox"/> Surgical Reports	<input type="checkbox"/> Audiological Evaluation
<input type="checkbox"/> Admission Summary	<input type="checkbox"/> Telephone Conference
<input type="checkbox"/> Dismissal Summary	<input type="checkbox"/> Other
<input type="checkbox"/> Social History	<input type="checkbox"/> _____
<input type="checkbox"/> Custody Agreement	<input type="checkbox"/> _____

\_\_\_\_\_  
Child's name

\_\_\_\_\_  
Child's date of birth

\_\_\_\_\_  
Signature of person giving consent

\_\_\_\_\_  
Relationship to child

\_\_\_\_\_  
Date

\_\_\_\_\_  
School

\_\_\_\_\_  
IEP Case Manager Name

\_\_\_\_\_  
IEP Case Manager Phone Number

## PRE-REFERRAL REQUEST

*This form is ideally completed by a case manager along with a school team prior to special education consideration. Parental involvement is encouraged. Please note the form has 2 pages.*

### Pre-Referral Request for Problem Solving

Student: \_\_\_\_\_ School: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Date: \_\_\_\_\_ Grade: \_\_\_\_\_ Person Completing This Form: \_\_\_\_\_  
 Parents or Guardians: \_\_\_\_\_

#### Background Information

##### Medical History:

☐ Generally Healthy ☐ Allergies ☐ Ear Infections ☐ Head Injury ☐ Seizures ☐ Orthopedic Impairment  
☐ Takes Medication (what? why?) \_\_\_\_\_  
☐ Has Known Health Condition (describe) \_\_\_\_\_  
☐ Vision Passed (Date: \_\_\_\_\_) ☐ Vision Failed (Date: \_\_\_\_\_) ☐ Hearing Passed (Date: \_\_\_\_\_) ☐ Hearing Failed (Date: \_\_\_\_\_)

##### School History:

Attendance: ☐ Good ☐ Often Absent ( \_\_\_\_\_ times/week) ☐ Often Tardy ( \_\_\_\_\_ times/week) ☐ Truant ( \_\_\_\_\_ times/week)  
 Student has attended \_\_\_\_\_ schools since beginning school. Student has been at this school for how long? \_\_\_\_\_  
 Student has been retained? ☐ No ☐ Yes What grade was this student retained? Why? \_\_\_\_\_  
 Student is passing all subjects? ☐ No ☐ Yes If not, which subject(s) is student failing? \_\_\_\_\_  
☐ Outside evaluation(s) in file ☐ Previous Special Education evaluation(s) in file ☐ Previous Special Education referral(s)

Student has received disciplinary action for inappropriate behavior in school? ☐ Yes ☐ No

If yes, please summarize the general type of infractions, where they occur, and the frequency: \_\_\_\_\_

##### Other Programs, Agencies, and Services:

☐ Title 1 ☐ Gifted and Talented ☐ Special Education Preschool ☐ Juvenile Justice (Youth Court) ☐ YBGR Case Management  
☐ STEP Early Intervention ☐ Family Services ☐ Community Therapist/Counselor ☐ School Counselor ☐ Head Start  
☐ Vocational Rehabilitation ☐ Private School ☐ Outside Tutoring ☐ \_\_\_\_\_

#### Specific Concerns

##### Areas of Concern: (Check one or more)

☐ Oral Expression ☐ Listening Comprehension ☐ Written Expression ☐ Basic Reading Skill ☐ Reading Comprehension  
☐ Math Calculation ☐ Math Reasoning ☐ Reading Fluency ☐ Reading Decoding ☐ Health ☐ Cognitive Ability  
☐ Physical Development ☐ Behavior ☐ Emotional Adjustment ☐ Language ☐ Motor Abilities ☐ Speech ☐ Vision

##### Reasons for Concerns: (Check all that apply)

Early Knowledge: ☐ Body Parts ☐ Colors ☐ Counting ☐ Shapes ☐ Letters ☐ Concepts (in, under, before, etc.)  
 Self-Help: ☐ Dressing ☐ Toilet Training ☐ Fasteners (buttons, zippers) ☐ Feeding Self ☐ Table Skills/Utensils  
 Academic Skills: ☐ Trouble with multi-step procedures ☐ Difficulty with spoken directions ☐ Difficulty with written directions  
☐ Work of poor quality ☐ Forgets previously learned skills ☐ Lack of homework completion ☐ Fails to complete class work  
☐ Slow to catch on ☐ Fails to turn work in  
 Behavior: ☐ Inattentive ☐ Temper ☐ Cries/Tearful ☐ Disorganized ☐ Defiant ☐ Impulsive ☐ Swearing ☐ Overactive  
☐ Difficulty work/play with peers ☐ Breaks important rules ☐ Stomachaches/Headaches ☐ Poor ability to concentrate  
☐ Lack of participation ☐ Seeks negative attention ☐ Low energy level ☐ Obsessive/Compulsive ☐ Easily frustrated  
☐ Sadness/Depression ☐ Anxiousness/Worrying ☐ Irritable/Moody ☐ Physical Aggression ☐ Verbal Aggression  
 Speech and Language: ☐ Omits sounds ☐ Word finding problems ☐ Limited speaking vocabulary ☐ Difficulty classifying objects  
☐ Substitutes sounds ☐ Difficulty producing sounds ☐ Frequent grammatical errors ☐ Difficulty discriminating sounds  
☐ Poor voice quality ☐ Dysfluent speech ☐ Incomplete sentences ☐ Stutters ☐ Unintelligible ☐ Does not speak  
 Motor: ☐ Running, Jumping ☐ Catching, Throwing ☐ Balance ☐ Coordination ☐ Poor pencil/scissor use ☐ Poor handwriting

- 1) What is the main problem? (Please be specific)
- 2) Describe what you would like the student to be able to do.
- 3) Describe what the student is currently doing. (Please be specific)
- 4) Describe which specific research-based programs or strategies have been used to address the problem:

Dates (begin and end)	Program/Strategy	Frequency	Results

(Attach Documentation Sheets if Necessary)

- 5) Have the student's parents been contacted: ☐ No ☐ Yes Date: \_\_\_\_\_  
 Response from parents regarding the concern: \_\_\_\_\_
- 6) What would you like the Pre-Referral Team to assist you with specifically?

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### **Pre-Referral Team Meeting Recommendations**

Date of Pre-Referral Team Meeting: \_\_\_\_\_

General Recommendations from the Team:

Recommended Specific Research-Based Programs or Strategies to Begin Implementing:

When will these recommendations/interventions be reviewed by the Pre-Referral Team? \_\_\_\_\_

_____ Parent	_____ Parent
_____ Teacher	_____ Teacher
_____ Teacher	_____ Spec. Ed. Teacher
_____ Administrator	_____ Counselor
_____ School Psychologist	_____ Other

## DISCIPLINE ZONES

### DISCIPLINE ZONES

FAPE FREE ZONE	CHANGE-OF-PLACEMENT ZONE	DISCIPLINE ZONE
<p>§300.530(b)</p> <p><b>COMPUTE:</b></p> <p>DAYS OF SUSPENSION (Any <u>removal</u> by any creative name, even portions of a day)</p> <p>†</p> <p>DAYS OF ISS (Unless FAPE and opportunity to participate in general curriculum with nondisabled peers are provided)</p> <p>=</p> <p>Discipline Without Regard for Disability</p> <p>Same for all Students!</p> <p>IF REMOVAL(S) EXCEED 10 SCHOOL DAYS, PROCEED TO THE <b>YELLOW ZONE</b></p>	<p>§300.536</p> <p><b>SCHOOL MUST ANALYZE:</b></p> <ol style="list-style-type: none"> <li>1. If the removal is greater than 10 <u>consecutive</u> school days, <b>OR</b></li> <li>2. If the series of removals constitute a pattern               <ul style="list-style-type: none"> <li>➢ Because the series total more than 10 school days in a school year,</li> <li>➢ Because the student's behavior is substantially similar to previous incidents that resulted in the series of removals, <b>OR</b></li> <li>➢ Because of additional factors like the length of each removal, total amount of time, and proximity of removals to one another.</li> </ul> </li> </ol> <p><b>IF NO C-O-P, THEN PROCEED TO THE <b>ORANGE ZONE</b></b></p> <p><b>IF C-O-P, THEN IEP TEAM MUST:</b></p> <ol style="list-style-type: none"> <li>1. Provide Procedural Safeguards Notice</li> <li>2. Conduct a Manifestation Determination within 10 school days of decision to change placement.</li> </ol> <p><b>IF BEHAVIOR IS NOT A MANIFESTATION OF THE STUDENT'S DISABILITY, THEN PROCEED TO THE <b>BLUE ZONE</b></b></p> <p><b>IF BEHAVIOR IS A MANIFESTATION OF THE STUDENT'S DISABILITY, THEN</b></p> <ul style="list-style-type: none"> <li>➢ Conduct a FBA</li> <li>➢ Implement or modify a BIP, <b>AND</b></li> <li>➢ Return student to previous placement.</li> </ul>	<p>§300.530(d)</p> <p><b>SCHOOL AND TEACHER(S) DETERMINE:</b></p> <p>What educational services the student is to receive so as to enable the student to:</p> <ol style="list-style-type: none"> <li>1. Continue to participate in the general education curriculum, although in another setting, <b>AND</b></li> <li>2. Progress toward meeting the goals set out in the student's IEP.</li> </ol> <p><b>IEP TEAM MUST DETERMINE:</b></p> <p>What educational services the student is to receive so as to enable the student to:</p> <ol style="list-style-type: none"> <li>1. Continue to participate in the general education curriculum, although in another setting, <b>AND</b></li> <li>2. Progress toward meeting the goals set out in the student's IEP, <b>AND</b></li> <li>3. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.</li> </ol> <p><b>THIS IS THE STAY PUT PLACEMENT IF CHALLENGED!</b> §300.533</p> <p>Adapted from Chart by Lenore Knudtson 1-9-09</p>
<p>The chart above does not apply for special circumstances when weapons, drugs, or serious bodily injury are involved. See §300.530(g).</p>		

## YWCCSSC DISTANCE LEARNING PLAN (FOR USE DURING EXTENDED SCHOOL CLOSURES)

**Instructions:** Below are instructions to create a distance learning plan to address FAPE for children who are eligible for special education. Please note that special educators are encouraged to complete a plan in collaboration with a parent or guardian for each student on their caseload.

Agenda for Distance Learning Plan Development Phone call:

- A. The choice of tool for home collaboration to generate what homebound learning could look like. Telephone consultation, zoom, days and times that would work for instruction, days of the week that work better than others, email, etc.
- B. Preferred types of activities that work well in engaging their child at home (opportunity for the parent to share what works and what does not work).
- C. Review the current IEP goals and make a determination about the level of direct instruction that could happen over zoom, google hangouts or phone with a student if any.
- D. Document the distance learning plan on this separate form that will create agreements about what will take place during distance learning time (see form below).

Framework for the Distance Learning Plan:

- A Description of student disability: the purpose of this section is to describe the student's disability
  - a. Disability category
  - b. Areas of impact
    - i. Describe how the disability will impact the student's learning in core areas.
    - ii. Describe how the disability will impact learning in a distance learning format
- B Ability to access distance learning including preferred types of activities and mode of access: special educators should discuss possible modes of accessing learning at home through a distance learning plan. Below are examples of types of instruction and modalities that can be used to instruct during a distance learning plan. This is not an exhaustive list.
  - a. Flip classroom (mini-lesson)
  - b. Worksheets to reinforce a learning activity
  - c. Recording of instruction with expected activities afterward
  - d. Consultation
    - i. To parent(s)
    - ii. With contracted service providers

- iii. With special education independent schools
  - iv. With para-educator(s)
  - v. With related service providers
  - vi. With general educators regarding general education learning activities
  - vii. Current online programs that are being used with students
- C. Schedule of special educator/related service provider direct instruction: this should be a clear schedule of when a service provider will be in contact time with a student from a distance. This should be clearly outlined and parents should agree to the amount of time.
- D. Schedule of teacher-parent consultation: agree to a day and time each week.
- E. Description of how progress toward goals will be tracked: service providers should request work products to be turned in by students to support the assessment of IEP goals. Service providers can also assess IEP goals through an online learning session with the student.
- F. List of activities that will be provided: This should be a week by week general outline of the types of activities that will be provided.



### Distance Learning Planning Form

Special Education Distance Learning Plan	
Student Name: Grade: School: Date of Birth: Parent/Guardian Name: Parent/Guardian Phone: Disability Category: IEP Annual Review: Date of Meeting this plan was developed:	
Description of student disability	
Ability to access distance learning including preferred types of activities and mode of access	
<b>Phase 1</b> <b>March 17- March 27</b>	Supports, accommodations, consultation, and services provided to ensure access to academic materials and <b>help maintain level performance IEP Goals and Objectives</b>
Detail accommodations and other supports that are necessary to access the academic	

materials being made available during this time	
<i>If applicable</i> , detail schedule of special educator/related service provider direct instruction	
<i>If applicable</i> , schedule of teacher-parent consultation	
If applicable, list of other supports/activities that will be provided	
<b>Phase 2 March 30- April 10</b>	Supports, accommodations, consultation, and services provided to ensure access to academic materials and help student <b><u>make continued progress with IEP Goals and Objectives</u></b>
Detail accommodations and other supports that are necessary to access the academic materials being made available during this time	

Schedule of special educator/related service provider direct instruction	
Schedule of teacher-parent consultation	
Description of how progress toward goals will be tracked	
List of other activities/supports that will be provided	
<b>Phase 3 April 13 – Close of school year or date normal operations resume</b>	Supports, accommodations, consultation, and services will be provided to ensure access to academic materials and help student <u><b>make continued progress with IEP Goals and Objectives</b></u>
Detail accommodations and other supports that are necessary to access the academic materials being made available during this time	

Schedule of special educator/related service provider direct instruction	
Schedule of teacher-parent consultation	
Description of how progress toward goals will be tracked	
List of other activities/supports that will be provided	

## **CASE: SUGGESTED STUDENT DOCUMENTATION SHEET DURING A CLOSURE**

Teachers are encouraged to document, document, document. For uniformity and in anticipation of future direction offered through CASE/CEC, service providers and teachers are encouraged to create a Google doc. with the following information where each student on your caseload has a sheet of his/her own:

Student Name:							
Classroom/ Advisory Teacher			Case Manager				
Date	Subject/ Goal Focus	Provided by	Service Provided	Accommodation/ Modification Provided	Unique Tailoring	Student Response	Notes
ex. 3/18/2020	Math	Verden	15 min Google Hangout	Repeated instructions,	Assigned specific questions from activities focused on goal.	Able to complete the work	Parent was standing behind student and said he would help.