

**BITTERROOT VALLEY EDUCATION COOPERATIVE
MANAGEMENT BOARD**

Tuesday, March 22, 2016
9:00 a.m. – Cooperative Office

AGENDA

- 1. Call to Order**
- 2. Introduce Staff Representative**
- 3. Consent Agenda**
 - A. Minutes
 - B. Warrants
 - C. Financial Report
 - D. Next Meeting – April 26
- 4. Public Comment**
- 5. Correspondence**
 - A. Letters of Appreciation – attached**
 - a. Windi Webster, Preschool Paraeducator
 - b. Denise Bouschor, Preschool Paraeducator
- 6. Board Action**
 - A. Inter-local Agreement Revisions – 2nd Reading**
 - B. 5.05 Independent Education Evaluation Policy – Revisions – 2nd Reading**
 - C. MSBA Montana Schools Unemployment Insurance Program**
- 7. Information and Discussion**
 - A. Collective Bargaining – see attached letter**
 - B. 90 Day CSCT Financial Report**

 - C. Legal Update - Homebound Services – case example attached.**
- 8. Adjourn**

February 2, 2016

Dear Windi,

This week has been designated as Paraprofessional Recognition Week by the Montana Superintendent of Public Instruction. And I am reminded how much I appreciate your outstanding work!

From past discussions with Candace I recall she emphasized how much she appreciates your support with developing lesson plans. Furthermore she mentioned how you will share ideas on modifying the lessons for particular students.

I have routinely observed how skillfully you redirect or distract students who are beginning to show signs of behavior escalation. If a volunteer is needed for anything you generally are on it before anyone even asks.

The BVEC Preschool is a rich learning environment where the students make very good progress due to the planning and coordination of our preschool team members. Thank you for your professionalism, commitment to your students and your dedication to the preschool program!

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Miller', with a stylized flourish at the end.

Tim Miller

Copy: BVEC Board
Personnel file

February 2, 2016

Dear Denise,

This week has been designated as Paraprofessional Recognition Week by the Montana Superintendent of Public Instruction. And I am reminded how much I appreciate your outstanding work!

From past discussions with Candace I recall she emphasized how much she appreciates your flexibility in changing routines as needed to support individual students. Additionally she has mentioned how careful you are about meeting students at their level to model and help them find solutions to their problems. Because of your positive relationships with the children, they frequently seek you out to climb on your lap for a story.

Personally, I have noticed that you bring a positive attitude to your work daily and show great concern and empathy for the children. I appreciate that you always have a smile and come to work willing to do whatever needs to be done.

The BVEC Preschool is a rich learning environment where the students make very good progress due to the planning and coordination our preschool team members. Thank you for your professionalism, commitment to your students and your dedication to the preschool program!

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Miller', with a stylized flourish above the name.

Tim Miller

Copy: BVEC Board
Personnel file

BITTERROOT VALLEY EDUCATION COOPERATIVE

PROGRAM NARRATIVE

(Revised January 26, 2016)

I. FULL EDUCATIONAL OPPORTUNITY

The Bitterroot Valley Education Cooperative (Cooperative) and its member school districts provide full educational opportunity to all students with disabilities, ages 3 through 19. The Cooperative and its member school districts plan to expand the upper age limit to 21 by the year 2025 consistent with the policies, procedures and timetable in the Montana State Plan under Part B of the Individuals with Disabilities Education Act.

All districts enroll children in the kindergarten or first grade whose fifth or sixth birthday occurs before the 10th day of September of the school year in which the child registers to enter school.

All districts enroll students through the age of 19 when their 19th birthday occurs after the 10th day of September of the year in which they are to enroll. The exception is the Lone Rock School District, which is a K-8 system.

II. CHILD FIND

The Cooperative and its member school districts have developed programs for evaluating and identifying children birth through age 21 with possible developmental delays or disabilities. The procedures herein apply to all children with disabilities residing within the Cooperative boundary, including those who are homeless, wards of the state, and children who attend private schools, regardless of severity of disability, and who are in need of special education and related services are identified, located, and evaluated. This applies to children who are highly mobile and children who are suspected of having a disability and yet are still advancing from grade to grade.

The following Child Find procedures are implemented by all member school districts:

1. PROCEDURES TO ANNUALLY INFORM PUBLIC OF CHILD FIND ACTIVITIES

The public is annually informed of Child Find activities through newspapers, radio and television stations, school newspapers, newsletters, posters in day care centers, and other public locations, and ongoing communication and cooperation with private and public agencies which routinely serve families and individuals with possible disabilities. These efforts are overseen by the Cooperative Director and implemented by personnel employed by the Cooperative, member school districts, and cooperating agencies.

2. PROCEDURES FOR COLLECTING, MAINTAINING, AND REPORTING DATA ON CHILD IDENTIFICATION

The methods for collecting, maintaining and reporting data on child identification are consistent throughout the age levels. Records are established and maintained in confidential manner in compliance with Sections 300.610 - 300.627. Data is reported through the annual state data collection procedures.

3a. INFANTS AND TODDLERS (BIRTH THROUGH AGE TWO)

The Cooperative and its member districts have an Interagency Agreement established with the Ravalli County Head Start (RCHS). Through this agreement, the agency and districts represented by the Cooperative, collaborate in Child Find activities, referral and evaluation. Additionally, the Cooperative participates in interagency meetings, which include representatives from the IDEA Part C Birth to age 3 provider; Child Development Center (CDC) and other local health care and human services agencies. Collaborating health care and human services agencies refer parents to CDC when a child, age birth through 2 years, exhibits characteristics of a disability. The Cooperative, its member school districts and the CDC follow the procedures and requirements prescribed in *Montana Guidance: Children Transitioning from IDEA Part C to Part B* (July 2013).

3b. PRESCHOOL (AGES 3 THROUGH AGE 5)

The purpose of the Early Childhood Health Screening is to identify preschool children with disabilities and assist in the early educational intervention of these children and to assist local districts and the Cooperative plan and budget for future services. Local publicity campaigns provide specific dates and locations for the screenings to the appropriate newspapers, radio and television stations, and school newspapers. Notices and pamphlets are posted with local physicians, day care services, grocery stores, and other locations where parents of young children might frequent. Member school districts place notices in school newspapers and/or send notices home with students.

Developmental areas screened: health and immunizations; hearing; vision; fine and gross motor; speech and expressive language; cognitive; social/emotional; and review of any other existing data including medical records made available.

□ Early Intervention Agency (Part C) Transition Planning Conferences:

CDC notifies the receiving school district and requests a transition meeting at least 90 days before the third birthday of children with special needs. A multidisciplinary Evaluation Team meeting is held and if the child is qualified under IDEA, an Individualized Education Program is developed.

□ Frequency and Location of Screenings:

Member districts conduct formal screening events (Early Childhood Health Screenings) at least once per year in locations within or close to the local school district buildings. If a parent or agency calls with concerns about a child who has not been able to attend a scheduled screening, a teacher or related service personnel assigned to the respective district will conduct screenings as needed on an individual basis.

□ Coordination with Other Agencies:

Part C provider CDC staff members are in frequent contact with school personnel. Other agencies involved include foster care agencies, Parent's Lets Unite for Kids (PLUK), Head Start, and Child and Family Services (CFS), local health care agencies and Public Health. A Child Find Planning Committee is responsible to coordinate annual Early Childhood Health Screenings. Committee representatives include the Bitterroot Valley Education Cooperative Site Coordinators, CDC, and Ravalli County Head Start.

□ Follow-up Procedures for Referral and Evaluation:

Parents voluntarily bring their children to the preschool screening sites. An explanation of the procedures and an exit interview regarding each child's performance is conducted with the parents, and they are given a copy of the summary statements from each testing station. The parents of any child whose screening indicates possible concerns are asked to sign permission for further evaluations, and assisted in completing a referral by a respective district teacher or related service specialist. When appropriate, parents are also referred to the regional Part C agency, and to the local Head Start programs.

□ Procedures for Responding to Individual Referrals:

Parents wishing to refer a preschool age child for possible evaluation would be assisted with the completion of the same referral process used for students who are referred through our screening events or an outside agency. If the parent is unsure of whether the child needs or qualifies for such services, they are asked to consult with either a Cooperative or district administrator, or personnel such as a School Psychologist, or the respective district's preschool teacher. After a better understanding of the problem is established, the parent can work with the local school personnel to pursue a referral to the appropriate services.

3c. IN-SCHOOL (AGES 6 THROUGH 18)

In-school child find is a continuous, systematic process of reviewing the school age population for learning or social/emotional difficulties. Each member school district is responsible for insuring that all children with disabilities are identified, located, and evaluated, including children in all public and private agencies and institutions in their service areas. Notice of each member district's compliance with federal law regarding services to and nondiscrimination towards persons with disabilities is noted within district school handbooks and/or newsletters, which are distributed to students/parents.

□ Intervention Assistance Teams (IAT):

Member schools implement variations of child focused IAT processes. Regular education personnel comprise the core team members with special services staff being involved upon request. IATs receive referrals from teachers or parents, identify the learning or behavior problems, identify corresponding interventions, and implement interventions in the regular classroom prior to a referral for special education evaluation.

□ Response to Intervention (RtI) and Positive Behavior Support (PBS) School-wide Systems

Member schools are developing RtI and PBS systems. RTI and PBS are school-wide comprehensive assessment and intervention processes, utilizing a problem-solving framework to identify and address student academic and behavior difficulties using effective, research-based instruction and strategies. After a period of time students who do not respond to increasingly individualized and intensive instruction and strategies are referred to special education for evaluation.

□ Screening & Referral Procedures:

- Annual standardized achievement tests are also used in identifying potential students for referral. Significant deficiencies are considered as a factor for referral. The student's academic history, social-emotional history, classroom observations and other available service resources are also considered.
- The Cooperative coordinates annual hearing screening with its member districts. Hearing screening is provided by Speech/Language Pathologists to students in kindergarten, as well as first, and ninth or tenth grades along new students to the district. Teachers, staff members or parents may request other students be screened. The Cooperative contracts with a local audiologist to follow-up on all failed screenings.
- School Nurses, where employed by districts, generally screen kindergarten and lower elementary grades for vision problems annually. Students referred for special education evaluation are also screened when requested.
- Ongoing contact with Head Start, CDC, Child and Family Services (CFS), Developmental Disabilities (DD), Vocational Rehabilitation (VRS), Parents Lets Unite for Kids (PLUK), foster care, community mental health centers, health care and human service agencies, provide additional referral information.
- Private schools in the Cooperative service area are informed of the local education agency's responsibility to screen for children with disabilities and are encouraged to participate in federally funded programs that the district may offer.

- If a child is suspected of having a disability school personnel generally contact parents when a referral is made. A referral form is completed and reviewed and approved by the respective building principal. Once a referral form has been approved the principal appoints a special education case manager who is responsible to ensure compliance with state regulations and IDEA and consult with appropriate professionals to determine appropriate evaluations. The case manager is responsible to coordinate all parties and ensure initial evaluations are conducted within the 60-day timeline established in 34 CFR 300.301 (c).
- After personal contact with parents is made an evaluation plan is proposed to parent/guardian/eligible student for approval and signature along with a copy of the *Procedural Safeguards in Special Education under IDEA*.
- ~~Other agencies involved in making referrals for this age group are CFS, PLUK, VRS, DD, foster care agencies, community mental health centers, health care and human services agencies.~~
- If a parents/guardians ~~or other interested persons~~ wish to refer a child for evaluation, school personnel will meet with the parent/guardian ~~or other persons~~ to review concerns and data available and decide if there needs to be screening and/or classroom based interventions attempted prior to a referral.
- If, after receiving a referral, a school evaluation team determines that a comprehensive evaluation is not necessary or appropriate, the local educational agency shall ~~notify~~ provide prior written notice to the parent/guardian in writing of its decision. This will include a description of any options the district considered and the reasons why those options were rejected and a full explanation of all of the procedural safeguards available under 34 CFR 300.500 through 300.529.
- Students who are being considered for retention, delayed admittance, long term suspension, expulsion, or waiver of learner outcomes are reviewed for consideration of evaluation.

- The following member school districts use the discrepancy model for identifying students with learning disabilities: Darby School District #9, Florence-Carlton School District #15-6, Lone Rock School District #13, Stevensville School District #2, Victor School District #7.
- The following member school districts use Response to Intervention **or the discrepancy** model to identify students with learning disabilities:
 1. Stevensville School District #2; Stevensville Elem., grades K-3 (reading, math).

3d. POST-SCHOOL (19 THROUGH 21)

Member districts rely largely on the referrals of outside agencies through ongoing communication and coordination of services. Individual/family referrals are handled in the same manner as those of school age students. Some of the other agencies involved with this age group are DPHHS, PLUK, VRS, DD, and community mental health center agencies.

3e. PRIVATE SCHOOLS

Each non public school including private home schools registered with the County Superintendent of Schools, is notified of the availability of public school programs, including special education, and asked to respond to the notice(s) indicating an interest in participation in these programs. Private school faculty or families, who believe that a child needs an evaluation for special education services, are provided the same opportunities for evaluation and identification as children who are enrolled in the public school. All procedures in the process are the same as public school students from referral through identification. The schools also rely upon community agencies, parent support groups, and parent networks to prompt parents to contact the schools for potential special education services.

The Cooperative and its member districts implement services to children enrolled in private schools by their parents in accord with the requirements and procedures in Secs. **300.130 - 148 and 10.16.3125** ARM. If a child with a disability is placed in or referred to a private school or facility by the school district, the district will provide special education and related services in accord with the requirements and procedures of 24 CFR 130 through 148 and 10.16.3122 ARM.

5.05 Independent Education Evaluation Policy

A. General

1. The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.
2. Each public agency shall provide to parents, on request, information about where an independent educational evaluation may be obtained.
3. For the purposes of this part:
 - (a) Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.
 - (b) Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with Section 300.301.

B. Parent right to evaluation at public expense. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. However, the public agency may initiate a hearing under Section 300.506 to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

C. Parent initiated evaluations. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

1. Must be considered by the public agency in any decision made with respect to the provision of FAPE to the child; and
2. May be presented as evidence at a hearing under this subpart regarding that child.

D. Request for evaluations by hearing officers. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

E. Agency criteria. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and qualifications of the examiner, must be the same as the criteria, which the public agency uses when it initiates an evaluation. [Authority: 20 U.S.C. 1415(b)(1)(A)]

Further, the Analysis to the Final Regulations of EHA-B (IDEA) states that: "Public agencies should not be asked to bear the costs of unreasonably expensive independent evaluations."

In keeping with 34 CFT 300.503 (e), the Cooperative has established criteria to ensure that the cost of publicly funded independent educational evaluation (IEE) is reasonable and is in keeping with the intent of IDEA regulations.

A. Under Rule 10.16.1102 Administrative Rules of Montana (ARM), parents have the right to an IEE of their child at public expense when the parents disagree with the school district's educational evaluation. The public agency may initiate the hearing under ARM 10.6.2402 to show that its evaluation is appropriate. If the decision of the hearing officer is that the evaluation is appropriate, the parents still have the right to an independent evaluation, but not at public expense.

E. A parent must allow the district to complete its educational evaluation before the parent has a right to an IEE at public expense. A school district's failure to conduct an initial evaluation results in the parent's right to request a due process hearing.

C. Whenever an IEE is obtained at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner(s), will be the same as the criteria, which the district uses when it initiates an evaluation.

1. Criteria under which evaluation is obtained. The assessment shall address the Criteria for the Identification of Student Having a Disability as stated in the Montana Special Education Reference Manual. For example, if the student is suspected of having a severe emotional disturbance, the IEE may include a general cognitive ability assessment, achievement of academic assessment and social/emotional behavior assessments. For a student suspected of having a hearing impairment, the IEE may include an audiological assessment and speech/language assessment.

2. Location of evaluation. The assessment will be conducted within the school district where the child attends

school or within a geographic area designated by school district policy. If the geographic area is not designated in district policy, the area should be the immediate geographic area surrounding the district in which an appropriate IEE may be obtained.

3. Qualified examiner(s). A school psychologist holding Montana state Class 6 certification may conduct psychoeducational assessments; a Montana certified special education teacher may conduct achievement assessments; a Montana state licensed speech/language pathologist, occupational therapist or physical therapist may conduct assessments in each of their respective fields. A licensed clinical psychologist may conduct an emotional/behavioral assessment.
- D. The IEE examiner shall adhere to the testing procedures required of the school district including selecting test (a) so as not to be racially or culturally discriminatory, (b) validated for the specific purpose for which they are used, and (c) tailored to assess specific areas of educational need. The examiner must also ensure that tests are (d) administered by trained personnel in conformance with instructions provided by their producers, and that (e) when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude, achievement, or performance level.
 - E. The IEE will be limited to the following testing procedures, unless the Montana Special Education Rules and Regulations specifically require assessment in other performance areas:
 1. Current assessment of intellectual functioning obtained from a standardized individual test designed to measure intellectual functioning, individually administered by a certified school psychologist;
 2. Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;
 3. A developmental history compiled directly from the parent(s), or records, when parents are not available;
 4. A current vision and hearing screening report;
 5. Other assessments as determined by Montana Special Education Rules and Regulations.
 - F. Upon parent request, the school district will provide a list of examiners within the specific geographic location who are qualified to conduct an IEE. The school district will also identify the criteria it uses when it initiates an evaluation.
 - G. If the district believes the fees charged for the IEE are unreasonable, it may challenge the parents' right to be reimbursed for a particular fee through a due process hearing, in which the district would have an opportunity to show that the fees were "unreasonably expensive."
 - H. Within a reasonable time, certified personnel will be made available to a requesting district through a district or cooperative who has agreed to share personnel to conduct independent education evaluations. The requesting district will be responsible, if not a Cooperative member, for travel costs and other related costs.
 - I. Refer to the Office of Public Instruction's Special Education Bulletin #6 October 1995 Independent Educational Evaluations for answers to most commonly asked questions about independent educational evaluations.

5.05 Independent Education Evaluation Policy - Revised

A. General

1. The parents of a child with a disability have the right to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section procedure and criteria identified by the Bitterroot Valley Education Cooperative and its member districts.

(Strike the remainder of current policy and replace with the following:)

Procedure

Notice to Parents

- Please read this document before obtaining or paying for an independent educational evaluation. This document may limit your right to reimbursement.
- The District will not automatically reimburse parents who unilaterally obtain independent educational evaluations. Please review this document for further information about a parent's right to obtain independent educational evaluations at public expense.
- An independent educational evaluation, if not obtained in accordance with these procedures and criteria, may not be considered by your child's IEP team. Please ensure that any independent educational evaluation conforms to these requirements.

Definitions

"Independent educational evaluations" means an evaluation conducted by a qualified examiner who is not employed by the responsible local education agency.

"Public expense" means the local education agency either pays for the full cost of the evaluation or evaluation components or ensures that the evaluation or evaluation components are otherwise provided at no cost to the parent.

Parameters for Seeking Independent Educational Evaluations

If a parent disagrees with an evaluation conducted by the District and seeks an independent educational evaluation, the District may initiate a due process hearing to show that its evaluation is appropriate. In the alternative, the District will provide the parent an opportunity to obtain an independent education evaluation in accordance with these procedures by arranging for the independent evaluation. The parent must first inform the District in writing or communicate with the district at an IEP meeting that the parent:

1. Disagrees with the district's evaluation, and
2. Is requesting an independent educational evaluation at public expense.

The District may ask for the parent's reason(s) for disagreeing with the District's evaluation, but the parent is not required to provide those reasons. Parents may only request one publicly funded independent evaluation for each evaluation completed by the District.

Response to a Request for an Independent Educational Evaluation

If parents request an independent educational evaluation at public expense, the District will, without unnecessary delay, provide the parent options for an independent educational evaluation at public expense as follows:

1. A staff member from another school district in the Ravalli County or Missoula County area; or
2. A private sector provider

The District will provide a list of qualified individuals to perform the Independent Educational Evaluation, but parents shall not be required to obtain an Independent Educational Evaluation from one of the individuals recommended by the District.

Once the parent chooses an option, the District will arrange for the alternative evaluator, contract with an independent examiner, or otherwise ensure that an Independent Educational Evaluation is provided at public expense.

If the District initiates a hearing and the final decision is that the District evaluation is appropriate, the parent still has the right to an Independent Educational Evaluation, but not at public expense.

Timeline Regarding Independent Educational Evaluations

In the interest of consistency between public and private evaluations, the District encourages parents to choose an option for additional assessment offered by the district within 15 days of receiving the options.

After the parent of the student with a disability chooses an option for an additional evaluation and signs an assessment plan, the District will arrange for or initiate a contract with an appropriate evaluator.

The District will make arrangements for a new evaluation, or contract with a qualified independent examiner who is able to provide a written report for an IEP meeting within 60 days of receipt of parent consent for assessment. If the evaluator cannot meet the required timeline, the District will inform the parent and ask for agreement to an extension of time or selection of another option.

Information Provided to Parents

Upon parent request for an independent educational evaluation, the District will provide the parents with a copy of its policy/procedures and criteria for independent educational evaluations.

Criteria

Consideration of the Independent Educational Evaluation

Independent Educational Evaluations are designed to determine the educational needs of disabled students. The District is responsible for determining placement and services. Therefore, the District will consider recommendations obtained in independent educational evaluation reports completed in accordance with these procedures and criteria. However, independent educational evaluations will not control District determinations and may not be considered if not completed by a qualified professional as described in herein for educational evaluations.

Local Limitations for Evaluators

Evaluators must be located within the Ravalli County or Missoula County area. Evaluators outside of this area will be approved only on an exceptional basis if the parents can demonstrate that there is a unique need for a specialized evaluation for their child and that there are no qualified evaluators within Ravalli or Missoula County who can appropriately assess their child's educational needs.

Requirements

Independent evaluators shall be required to:

- Obtain parent consent to allow communication between the evaluator and District staff;
- Obtain written parent consent for the evaluation;
- If appropriate, communicate with the child's teacher(s) and related service providers to gain a perspective on how the child is performing in school and/or observe the student in the educational setting;
- Send the evaluation report, including all legally required components, to parents and the District at least five (5) days prior to any meetings convened where the evaluation will be considered;
- Participate in any IEP team meetings in person or via telephone conference to discuss the results of the independent educational evaluation; and
- Release all test protocols, notes, etc. to a District representative at the time the evaluation report is provided.

These requirements shall apply both to independent evaluators with whom the District contracts for services or for reimbursement for an Independent Educational Evaluation obtained at parent expense.

Assessments

All Independent Educational Evaluators must utilize testing and assessment materials and procedures which are selected and administered so as to not be racially, culturally, or sexually discriminatory. Tests and other assessment materials must be provided and administered in the student's primary language or other mode of communications, unless a written explanation is provided as to why this provision and administration are not clearly feasible. All assessment instruments utilized must have been validated for

the specific purpose for which they are used, and be administered by trained personnel in conformance with the instructions provided by the publishers.

Minimum Qualifications for Evaluators

If the parent requests an Independent Educational Evaluation at public expense, the District will provide the parent with information about where an Independent Educational Evaluation can be obtained and these criteria. All Independent Educational Evaluations must be provided by a qualified specialist. Evaluators with credentials other than those listed below will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications.

| <u>Type of Assessment</u> | <u>Qualifications</u> |
|--|--|
| Academic Achievement | Certified Special Education Teacher* Licensed Educational or School Psychologist** |
| Adaptive Behavior | Licensed Educational or School Psychologist** Certified Special Education Teacher |
| Assistive Technology | Certified or Licensed Speech/Language Pathologist Certified Special Education Teacher* |
| Auditory Acuity/ Auditory Perception (CAP) | Licensed or Certificated Audiologist |
| Behavioral | Licensed Educational or School Psychologist** Licensed School Counselor Licensed Psychologist Licensed Psychiatrist Licensed Clinical Social Worker (LCSW) Certified Behavior Analyst |
| Cognitive | Licensed Educational or School Psychologist ** |
| Motor | Licensed Physical Therapist Registered Occupational Therapist |
| Occupational Therapy | Registered Occupational Therapist |
| Physical Therapy | Registered Physical Therapist |
| Speech and Language | Certified or Licensed Speech/Language Pathologist |
| Social/Emotional | Licensed Educational or School Psychologist** Licensed School Counselor Licensed Psychologist Licensed Psychiatrist Licensed Clinical Social Worker (LCSW) Certified Behavior Analyst |
| Visual Acuity/Developmental Vision | Licensed Ophthalmologist Optometrist |
| Visual-Motor Integration/ Visual Perception | School Psychologist (Credentialed) or Licensed Educational or School Psychologist** Licensed Ophthalmologist Optometrist |

* Master’s Degree

** Credentialed Note:

Note: Evaluators must be free from any conflict of interest.

Independent Educational Evaluators must agree to release their assessment information and results to the District prior to receipt of payment for services. The results of the Independent Educational Evaluation will be considered in the diagnosis, program decisions and placement of the student with disabilities as required by the Individuals with Disabilities Education Act.

Cost Limitations

Reimbursement for Independent Educational Evaluations will be limited to the amount it would have cost the district to provide the same type of evaluation. Costs in excess of this amount will not be approved unless the parent can demonstrate that such costs reflect a reasonable and customary rate for such evaluative services, or if the parents can demonstrate that there are other factors that make the extraordinary costs necessary.

Costs beyond the Independent Educational Evaluation (i.e. transportation, lodging, food, etc.) are not covered in the cost of the independent evaluation and will not be approved, unless the parent can document that such travel costs reflect factors that make the extraordinary costs necessary.

February 17, 2016

Tim Miller, Director
Bitterroot Valley Education Co-op
P.O. Box 187
Stevensville, MT 59870

Dear Tim,

We are writing to request commencement of the bargaining process for the Collective Bargaining Agreement between Bitterroot Valley Education Cooperative (BVEC) and The Cooperative Employee's Bargaining Unit.

The Cooperative Employee's Bargaining Unit is finalizing the selection of a bargaining team and will be available to meet on or after April 1, 2016.

Our team may have additional information requests as we proceed; but preliminarily, we request the following information from BVEC:

- A. Current salaried employee FTE and placement on the salary schedules
- B. Current classified employee salaries and FTE
- C. Administrative employee salaries and FTE
- D. 2014/2015 and 2015/2016 Co-op budget information.

We look forward to a very positive and productive process. Please respond to the email address listed below.

Sincerely,

Wendi Wood, President
The Cooperative Employee's Bargaining Unit
woodw@bvec-mt.org

CASE FILE: Right to homebound services aside, district erred in failing to reevaluate

Case name: *Rodriguez and Lopez ex rel. C.L. v. Independent Sch. Dist. of Boise City, No. 1*, [63 IDELR 36](#) (D. Idaho 2014).

Ruling: Given parents' statements that a 13-year-old boy with autism was too anxious to return to school after being disciplined in class and on the bus, an Idaho district erred in failing to evaluate the student's need for an alternative placement pending a revision of his IEP. The U.S. District Court, District of Idaho held that the district's summary denial of the parents' request for homebound services violated the IDEA.

What it means: Even if a student does not appear to meet the state ED's requirements for homebound services, a district should not dismiss the parent's request outright. The better course of action is to consider the parent's reasons for requesting homebound services and reevaluate the student to determine the need for a placement change in the interim. The student here perceived his teacher's and bus driver's disciplinary measures as abuse and was afraid to return to school as a result. Although an investigation revealed no evidence of mistreatment, the student's anxiety should have prompted a discussion about possible alternative placements.

Summary: An Idaho district violated the IDEA when it insisted that a 13-year-old boy with autism was capable of returning to school despite his increased anxiety about interactions with his classroom teacher and bus driver. Concluding that the district should have reevaluated the student after his parents requested homebound services, the District Court partially reversed an administrative decision in the district's favor.

The court noted that Idaho law limits homebound services to students who are confined to home or hospital due to accident or illness for a period of 10 or more consecutive days. Although an IHO agreed with the district that the parents failed to prove the student's inability to attend school, the court explained that the district, and not the parents, was responsible for assessing the student's disability-related needs.

U.S. Magistrate Judge Candy W. Dale criticized the district for requesting documentation of an accident or illness, and then asking the student's physician to justify his recommendation for homebound services. "It was not the parents' responsibility to prove [the student's] anxiety was more severe than usual; rather, it was [the district's] duty to evaluate [the student] in light of the parents' legitimate concerns and [the physician's recommendation]," Magistrate Judge Dale wrote.

The court recognized that the parties eventually revised the student's IEP to place him in a different school. However, noting that the student went without educational services for eight months, the court held that the district's summary rejection of the parents' request for homebound services resulted in a denial of FAPE. The court instructed the parties to submit briefs on the appropriate remedy for the district's IDEA violation.

Amy E. Slater, Esq., covers special education legal issues for LRP Publications. Copyright 2014© LRP Publications