

2011-
2012

St. Bernard Parish Special Education HANDBOOK

*Focused On What Counts,
STUDENTS*



Office of Special Education
St. Bernard Parish Schools



HANDBOOK FOR SPECIAL EDUCATION

IMPLEMENTING IDEA AND BULLETIN 1706 A REGULATIONS

June 2009

***Prepared for LASEA by
The SUNS Center***



**This handbook was prepared
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June 2009

*Special thanks to the following
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PURPOSE OF THE HANDBOOK

The purpose of this handbook is to assist the St. Bernard Parish special education staff in the design, implementation and monitoring of programs for students with disabilities that meet all requirements of the *Individuals with Disabilities Education Act* and the October 1, 2008, revised *Louisiana Bulletin 1706 A: Regulations for Implementation of the Children with Exceptionalities Act*.

The handbook is arranged by topics that address regulatory requirements outlined in *Bulletin 1706*. These topics cover areas that are mandated by the Louisiana Department of Education for inclusion in a district's policy and procedures handbook.

***THE ST. BERNARD PARISH SCHOOL DISTRICT
ASSURANCES***

This Handbook has been written to assure alignment with state policies and procedures detailed in *Louisiana Bulletin 1706 A: Regulations for Implementation of the Children with Exceptionalities Act* enacted October 20, 2008. The St. Bernard Parish School District assures that no later than sixty (60) days after the SBESE has established implementation date of the State's regulations, policies and procedures, it will revise all local policies and procedures to make them consistent with the *IDEA Public Law 108-446, Individuals with Disabilities Education Improvement Act of 2004*.

The Louisiana State Board of Elementary and Secondary Education has the constitutional and statutory authority to make policy decisions that govern the public education system of the state. It also exercises budgetary responsibility for all funds appropriated or allocated by the state to schools under its jurisdiction. Acting in its capacity as a quasi-legislative body, the State Board adopts policies and regulatory rules which have the force and effect of law. The regulatory policies adopted by the Board are contained in the bulletins compiled by the Department of Education or BESE. In accordance with R.S. 49:950 et. Seq., the *Administrative Procedure Act*, all regulatory policies adopted by BESE are advertised as Notices of Intent and Rules in the Louisiana Register. Rules become part of the Louisiana Administrative Code, the official compilation of administrative rules published by state agencies and boards, when they are promulgated in the Louisiana Register. Title 28 – Education, Part 1. – Board of Elementary and Secondary Education, of the Louisiana Administrative Code contains additional policies and operational procedures.

REGULATORY BULLETINS

Regulatory documents governing the operating policies of the St. Bernard Parish School District include:

BULLETIN 1706/Subpart A-Regulations for Students with Disabilities

BULLETIN 1706/Subpart B – Regulations for Gifted/Talented Students

BULLETIN 1508: Pupil Appraisal Handbook

BULLETIN 1530: Louisiana IEP Handbook

BULLETIN 1922: Compliance Monitoring Procedures

BULLETIN 1929-Louisiana Accounting and Uniform Governmental Handbook

BULLETIN 1573-Complaint Management Procedures

BULLETIN 746-LA Standards for State Certification of School Personnel

BULLETIN 741-Louisiana Handbook for School Administrators

BULLETIN 118: Statewide Assessment Standards and Practices

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TOPIC 1

CHILD SEARCH

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CHILD SEARCH

The Louisiana Department of Education requires that each district has policies and procedures in place to ensure that all students with disabilities residing in the State are identified, located, and evaluated. Through Child Search activities, children and youth in need of special education services are identified, located, and evaluated.

A. CHILD SEARCH RESPONSIBILITIES

The St. Bernard Parish School District identifies, locates, and evaluates all students with disabilities in need of special education and related services residing within its jurisdiction including students who are homeless, wards of the State, or attending private schools. The St. Bernard Parish School District has established procedures that outline how the district will conduct Child Search activities and the ways it will ensure that on-going identification activities are conducted to identify, locate, and evaluate each student suspected of having a disability and in need of special education and related services.

Children addressed through Child Search activities include the following:

- Students enrolled in an educational program operated by or under the jurisdiction of the St. Bernard Parish School District;
- Students enrolled in a private school program within the geographical jurisdiction of the St. Bernard Parish School District;
- Children enrolled in a public or private preschool or day care program;
- Children not enrolled in a school (excluding students who have graduated with a regular high school diploma);
- Students who are suspected of having an exceptionality and in need of special education, even though they are advancing from grade to grade;
- Students who are highly mobile, including migrant students.

B. CHILD SEARCH ACTIVITIES

Child Search applies to any individual with a disability, age's birth through 21 years of age, who is not currently receiving special education services. Child Search also applies to individuals who may be gifted and/or talented between the ages of 3 through 21 who are not currently receiving special education and related services.

The St. Bernard Parish School District disseminates information to the public related to Child Search activities. The district actively pursues the identification and location of eligible students by developing flyers, brochures, or other media to notify the public of Child Search activities. The St. Bernard Parish School District has identified at least one individual who will coordinate all Child Search activities and maintain documentation on those activities.

C. CHILD SEARCH COORDINATOR

The St. Bernard Parish School District has designated an individual to serve as the Child Search Coordinator for the district. This individual is responsible for the following:

- Collecting data on all Child Search referrals and ensuring evaluations are conducted.
- Tracking data to ensure compliance with LDE requirements. All data collected are maintained in a safe and confidential manner.
- Providing the parent of each student initially identified as suspected of having a disability and in need of special education services with a copy of the procedural safeguards afforded under IDEA. The parent is provided an opportunity for an explanation of the safeguards.
- Implementing activities as required under IDEA, Part C.

D. CHILD SEARCH FOR PARENTALLY-PLACED PRIVATE SCHOOL STUDENTS

The St. Bernard Parish School District is responsible for locating, identifying, and evaluating students with disabilities who are enrolled by their parents in private schools, including religious, elementary and secondary schools if those schools are within the St. Bernard Parish School District's jurisdiction. Child Search activities are designed to ensure equitable participation of parentally-placed private school students. Child Search activities are implemented similar to those undertaken for public school students and conducted within the same timelines.

Critical Questions

CHILD SEARCH

Yes/No/NA	Critical Question	Follow-up
	1. Has the St. Bernard Parish School District designated a Child Search Coordinator?	
	2. Does the St. Bernard Parish School District have procedures in place to locate, identify, and evaluate students with disabilities, age's birth through 21, not currently receiving special education services who reside within the district's jurisdiction?	
	3. Does the St. Bernard Parish School District have procedures in place to locate, identify, and evaluate students who are gifted and/or talented, ages 3 through 21, not currently receiving special education services who reside within the district's jurisdiction?	
	4. Does the St. Bernard Parish School District disseminate information to the public regarding Child Search activities on an on-going basis?	
	5. Does the St. Bernard Parish School District maintain documentation on all Child Search activities?	
	6. Does the St. Bernard Parish School District provide a copy of all procedural safeguards to parents and offer an explanation of those safeguards?	

TOPIC 2

FREE APPROPRIATE PUBLIC EDUCATION (FAPE) AND LEAST RESTRICTIVE ENVIRONMENT (LRE)

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***FREE APPROPRIATE PUBLIC EDUCATION (FAPE)
LEAST RESTRICTIVE ENVIRONMENT (LRE)***

The IDEA requires that a free appropriate public education (FAPE) be provided to all students with disabilities residing in Louisiana who are between the ages of 3 and 21, including students who have been suspended or expelled from school.

A. FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

FAPE includes the provision of special education and related services, including supplementary aids and services, to eligible students at no cost to the parent. These services must conform to the child's IEP in the least restrictive environment (LRE) and be consistent with the standards established by the State Education Agency (SEA).

1. Provision of FAPE (Section 101)

In the St. Bernard Parish School District, FAPE is offered to students with disabilities beginning no later than the child's third birthday. If the child turns three during the summer, the IEP Team determines when services will start. FAPE is available to children with disabilities through their 21st birthday. If a student turns 22 after the school year begins, s/he is entitled to complete the remainder of the current school year.

FAPE is provided based on where the child resides. The St. Bernard Parish School District has jurisdiction for all students, ages 3 through 21, who reside within its district boundaries. FAPE is offered in a St. Bernard Parish School District public school through the IEP process.

2. Private School Students (Services Plans) (Section 101)

If the offer of FAPE in a public school is refused by the parents, the St. Bernard Parish School District will offer services to eligible students in private schools through a Services Plan if the private school is located within the St. Bernard Parish School District's boundaries. This is regardless of where the child resides. The only services that will be provided are those for which the St. Bernard Parish School District and the private school have agreed to in writing. These services will be provided through a Services Plan and not an IEP.

3. FAPE Exclusions (Section 101)

FAPE does not need to be provided to the following students:

- A student not identified as a student with a disability.
- A student aged 18 through 21 who are incarcerated and who was not identified as a student with a disability and did not have an IEP prior to the incarceration.
- A student who has graduated from high school with a regular high school diploma. *(If the student with a disability exited with a Certificate of Achievement or other alternative degree [such as the GED], the student is eligible to receive FAPE through his/her 21st year even if s/he previously exited the system.)*
- A student parentally placed in a private school. *(A student with a disability may receive services through a Services Plan for those services agreed upon by the St. Bernard Parish School District and the private school.)*

4. FAPE ASSURANCES (Sections 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114)

The St. Bernard Parish School District assures that all of the provisions of FAPE are provided to students with disabilities who are eligible for services in the St. Bernard Parish School District. Specifically, the St. Bernard Parish School District assures the following:

- The provision of a variety of educational programs and services to students with disabilities that is available to students without disabilities including art, music, industrial arts, consumer homemaking, and vocational education.
- The provision and purchase of assistive technology devices and/or services as determined appropriate by the IEP Team in order for the student to benefit from the educational program. This includes the purchase of assistive technology devices to be used by the student in the home if the IEP Team determines the student must have access to the devices in order to receive or benefit from FAPE.
- Extended school year services (ESY) are available to students who's IEP Teams determine, on an individual basis, that ESY is needed in order for the student to receive or benefit from FAPE. ESY is provided at no cost to the parent.
- The provision of nonacademic and extracurricular services and activities in the manner necessary to afford students with

disabilities an equal opportunity to participate with students without disabilities.

- The provision of physical education services to students with disabilities to the extent they are provided to students without disabilities. Specially designed physical education must be provided if prescribed in the IEP.
- The provision of child find services including the identification, location and evaluation of all students with disabilities residing in the St. Bernard Parish School District's boundaries.
- The development, review and revision of an Individualized Education Program (IEP) on all students meeting the disability requirements outlined in IDEA and the Louisiana State Department of Education's *Bulletin 1508, Pupil Appraisal Handbook*.
- The regular checking of hearing aids worn in school by students with hearing impairments to ensure they are functioning properly.

5. Medication (Section 174)

A prescription of medication for students with disabilities is not a condition of school attendance. Students are not suspended or denied attendance because parents do not place their children on medication. The St. Bernard Parish School District shares with parents data collected by school site staff regarding the student's academic and behavior performance in the school setting in an effort to encourage them to address the medication issue.

[Please check with your school nurse for the procedures for checking in medications.]

6. Incidental Benefits (Section 209)

Services and aids purchased with IDEA funds may incidentally benefit students without disabilities. Special education, related services, and supplementary aids and services provided to students with disabilities in general education settings may benefit students without disabilities. However, the primary beneficiary of these services and aids is students with disabilities.

7. Early Intervening Services (Section 226)

Early intervening services may be provided to students not currently identified as needing special education or related services but who need additional academic and behavioral support to be successful in the general education curriculum. The St. Bernard Parish School District may develop and coordinate early intervening services to students in kindergarten through 12th grade with an emphasis on students in grades K through 3. The St. Bernard Parish School District may use up to 15% of its total IDEA Part B funds on early intervening services. The St. Bernard Parish School District is not required to provide early intervening services unless there is a disproportionality issue for the St. Bernard Parish School District. If there is an issue with disproportionality, the St. Bernard Parish School District will implement early intervening services using up to 15% of its total IDEA Part B funds.

Early intervening services will not cause a delay in the provision of FAPE or in the evaluation of a student suspected of having a disability. Conversely, participating in early intervening services will not create or guarantee a right to FAPE or an individual evaluation for a student.

[Please check with your Student Assistance Team (SAT/BAT-Academic and Behavioral) representative for Procedures in place for the St. Bernard Parish School District's early intervening services.]

8. National Instructional Materials Accessibility Standard (NIMAS) (Sections 172 and 211)

The LDE has adopted the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to individuals who are blind or individuals with other print disabilities. NIMAS is used for core subject materials only, including state approved textbooks or St. Bernard Parish School District adopted materials that are used district wide. NIMAS requires that publishers of these materials convert print editions to a digitized format. Materials for this population of students are provided in a timely manner (i.e., at the same time provided to students without disabilities).

The St. Bernard Parish School District may elect to use the National Instructional Materials Access Center (NIMAC) to coordinate the purchase of print instructional materials for students who need instructional materials in accessible formats. If NIMAC is not used, the St. Bernard Parish School District will submit assurances to the LDE that instructional materials to blind persons or other persons with print disabilities are provided in a timely manner and are consistent with the standards outlined in the National Instructional Materials Accessibility Standard (NIMAS).

[Additional information/procedures for producing/securing instructional materials in accessible formats may be found on the SPED Website.]

B. LEAST RESTRICTIVE ENVIRONMENT (LRE)

The St. Bernard Parish School District assures that students with disabilities are educated to the maximum extent appropriate with students without disabilities in regular educational environments. Special education classes, special school campuses or other removals from regular educational environments occur only when the nature or severity of the disability is such that education in general education classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily.

1. LRE Requirements (Section 114)

Specifically, the St. Bernard Parish School District assures that:

- Students with disabilities are educated with students without disabilities to the maximum extent appropriate.
- Students with disabilities are removed from general education environments *only* if the nature or severity of the disability prohibits satisfactory achievement in general education even with the provision of supplementary aids and services.
- A continuum of alternative educational placements is available to meet the needs of students with disabilities. Nonacademic and extracurricular services and activities, including meals and recess periods, are provided to allow students with disabilities to participate with students without disabilities to the maximum extent appropriate to meet the needs of students with disabilities.

- IEPs are developed according to the Louisiana State Department of Education's *Bulletin 1530, IEP Handbook*.

2. Continuum of Alternative Placements (Section 115)

A continuum of alternative educational placements is available to meet the needs of students with disabilities in the St. Bernard Parish School District. The continuum includes instruction in general education classes, special education classes, special schools, home instruction, and instruction in hospitals and institutions. Supplementary services such as resource room or itinerant instruction are provided in conjunction with the general education class placement.

The IEP Team determines the most appropriate placement on the continuum for each student. Emphasis is on placing students in general education settings. Only if the IEP goals and services/supports outlined on the IEP cannot be implemented satisfactorily in general education settings is a student assigned to a special education setting.

3. Placement Decisions (Sections 116 and 117)

Educational placements of students with disabilities ensure that the placement decision:

- is made by a group of informed individuals including the parents and persons knowledgeable about the student, evaluative data and placement options;
- is determined at least annually based on the current IEP and offered based on the school closest to the student's home; and
- assigns the student to the school s/he would attend if non-disabled unless the IEP indicates the student's disability require another placement.

Students with disabilities are placed in their district schools with the exception of local procedures regarding case by case placements of students with significant disabilities and unusual circumstances.

Students with disabilities participate with their peers without disabilities, to the maximum extent appropriate, in nonacademic and extracurricular services and activities. Activities and services available to students without disabilities, including breakfast/lunch times and recess/break periods, are available to students with disabilities. Use of supplementary aids and services is provided if a student needs them to participate in nonacademic and/or extracurricular activities and services. The IEP Team determines the types of supplementary aids and services a student may need.

A student with a disability is not removed from an age-appropriate general education classroom solely because of the need for specific modifications in the general education curriculum.

Parents of students with hearing or visual impairments are informed of all placement options, including placement at the Louisiana School for the Deaf and/or the Louisiana School for the Visually Impaired. Parents seeking placement in one of these schools will submit an application to these schools and follow procedures outlined by the schools.

4. LRE for Preschool (Sections 101, 109, 116)

IDEA requires that a free appropriate public education be available to students with disabilities, ages 3 through 21, in the least restrictive environment. Placement decisions for preschool aged children are determined by the IEP Team. Although placement options on the IEP range from inclusion in regular early childhood programs for at least 80% of the time to placement in special education and related services in the home or at a service provider location, these options are not considered a continuum of least restrictive environments. The IEP Team uses current educational data to determine the best setting for the student at the time of the IEP. LRE for preschool aged students considers settings that are age-appropriate and natural to young children ages 3 to 5.

Critical Questions

FAPE AND LRE

Yes/No/NA	Critical Question	Follow-up
	1. Does the St. Bernard Parish School District have established policies, procedures and practices that allow for the provision of FAPE to all students with disabilities ages 3 through 21?	
	2. Is FAPE provided to students with disabilities aged 3 through 21, including students suspended or expelled?	
	3. Is FAPE provided based on where the child resides?	
	4. If a student exited the St. Bernard Parish School District before age 21 without a high school diploma, does the St. Bernard Parish School District allow the student to return for services through age 21?	
	5. Does the St. Bernard Parish School District assure that all provisions of FAPE are provided to eligible students?	
	6. Is the first placement option for students with disabilities the general education classroom unless the nature or severity of the disability is such that a placement in general education is not appropriate?	
	7. Is a continuum of alternative educational placements (i.e., general education classes, special education classes, special schools, home instruction, and instruction in hospitals/institutions) available to students with disabilities?	
	8. Are all placement decisions for students with disabilities made by IEP Teams?	
	9. Are appropriate accommodations and modifications provided to students with disabilities in general education settings?	
	10. Are parents provided information regarding FAPE and LRE procedural safeguards?	

TOPIC 3

STUDENT EVALUATIONS AND APPRAISAL SERVICES

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<p style="text-align: center;">STUDENT EVALUATIONS AND APPRAISAL SERVICES</p>
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The Louisiana Department of Education has outlined specific requirements in *Bulletin 1508, Pupil Appraisal Handbook* that must be followed in conducting initial evaluations and re-evaluations. *Bulletin 1508* identifies the criteria that must be met in order to classify a student with an exceptionality. Federal and state regulations require that a student suspected of being exceptional receives a comprehensive multidisciplinary evaluation conducted by qualified examiners, i.e., pupil appraisal professionals certified by the LDE.

A. PUPIL APPRAISAL PERSONNEL

Individual student evaluations are conducted by LDE approved Pupil Appraisal personnel. These individuals are certified by the LDE and may include the following:

- Educational Diagnostician
- Certified School Psychologist
- Speech/Language Pathologist
- Qualified School Social Worker
- Audiologist
- Occupational Therapist
- Physical Therapist
- School Nurse

B. Student Assistance Team (SAT)

A system to screen and identify any child suspected of being exceptional is in place in the St. Bernard Parish School District. *Bulletin 1508* addresses the need for a school to establish a Student Assistance Team (SAT). The SAT is a general education problem solving, decision making group that meets on a scheduled basis to receive referrals from teachers, parents or other professionals on students who are experiencing difficulty in school due to academic and/or behavior problems. Parents are invited to the SAT meeting when their child is being discussed. Documentation of efforts to secure parent participation is maintained by the district.

Please refer to the current SAT Handbook.

1. Purpose of SAT

The purpose of the SAT is to review and analyze screening data, including Response to Intervention (RtI) data, in order to determine what options are available to meet the needs of a student. A student may be referred to the SAT whenever a member of the instructional team feels there is a need for additional supports or services to meet a student's academic, behavioral, or health needs.

Once all screening data are reviewed, the SAT determines the most beneficial option for a student. These options may include the following:

- No further action needed.
- Implementation of additional interventions and/or continuation of current interventions.
- Referral to Section 504 committee to determine eligibility for 504 services and an Individualized Accommodation Plan.
- Referral to pupil appraisal staff for other support services.
- Referral to pupil appraisal staff for an individual evaluation.

Classroom teachers or other instructional specialists conduct screening activities that help determine appropriate instructional strategies for programming and curriculum implementation. This type of screening is not to be considered an evaluation to determine eligibility for special education and related services.

2. Composition of the SAT

SAT teams in the St. Bernard Parish School District consist of the following individuals:

- Principal or designee
- At least one classroom teacher
- Student's teacher(s)

In addition, the following individuals are invited to the SAT:

- Student's parent(s) (Every effort is made to have the parent present.)
- Others as needed (e.g., Speech Pathologist, School Nurse {if there are health concerns}, School Social Worker/School Psychologist {if there are behavior concerns})
- Pupil Appraisal Representative (The Pupil Appraisal Representative is present at the SAT when the decision for an individual evaluation is determined.)

Each schools SAT Chairperson is identified in the SAT Handbook.

C. RESPONSE TO INTERVENTION (RtI)

Response to Intervention (RtI) is the process of providing high quality instructional support and interventions to meet the needs of all students. The purpose of RtI is to increase learning outcomes for all students by implementing an integrated service delivery approach. RtI focuses on how well students respond to changes in instruction and the provision of interventions. RtI primarily is a general education initiative that provides supports to students in general education settings with the goal of students achieving success in those settings.

1. RtI Process

The RtI process includes:

- Universal (district and/or school wide) screenings of academic and behavior areas in order to identify those students who need additional monitoring and/or interventions.
- Research based/validated instructional and behavioral supports provided in general education settings.
- Multiple tiers of research based/validated interventions that are geared to specific student needs.
- Collaboration among school site staff in the design, implementation and monitoring of interventions.
- Follow-up and monitoring of interventions to inform future decisions.
- Documentation of parent involvement in the RtI process.

An RtI leadership team is established to assist in the implementation of interventions and the collection of data to determine effectiveness of interventions.

2. RtI Intervention Tiers

The LDE has adopted a three tier model of interventions. They are as follows:

Tier I includes the provision of general classroom instruction and strategies that are provided to all students. Universal screenings are conducted first in order to determine which students need tiered interventions. Examples of Universal screening instruments may include DIBELS, Brigance, SRA, WRAT, AIMSWEB, PBS systems, etc. Universal screenings are conducted school-wide to determine which students are ‘at-risk’ for not meeting grade level expectations,

including behavior expectations. Review of screening data will identify students in need of specific supports so that appropriate Tier 1 interventions are designed and implemented. Tier 1 interventions may include the implementation of a school-wide literacy program, inclusion of computer assisted technology across a grade level, the implementation of School Wide Positive Behavior Supports (SWPBS), etc.

Tier 2 includes the provision of instruction and strategies of a more intense nature that are provided to a smaller group of students (i.e., those students resistant to interventions utilized at Tier I level). Tier 2 interventions may include small group instruction on specific deficit areas, reading tutorials, math/science remedial labs, computer labs, behavior focus groups, reinforcement systems, etc. Review of intervention data will indicate if interventions are successful or if there is a need to design new Tier 2 interventions or move to Tier 3 interventions.

Tier 3 includes the provision of intensive instruction and strategies to a small group of students (i.e., those students resistant to both Tiers 1 and 2 interventions). Tier 3 interventions may include one on one or very small group instruction/support on specific deficit areas or specially designed behavior intervention systems. Review of intervention data will indicate if the interventions are successful or if there is a need to refer a student to the SAT for possible consideration for an individual evaluation.

The systematic implementation of RtI helps ensure that interventions are targeted to meet the needs of a specific group of students. Review of intervention data determines the effectiveness of interventions and, therefore, informs future decisions.

3. RtI Documentation

Documentation of all RtI activities is required. Data are collected by individual classroom teachers/support staff who are implementing interventions as well as by the RtI leadership team. Individual teachers and support staff collect instructional and behavioral data on how students respond to interventions and monitor the ongoing implementation of interventions. The RtI leadership team collects data on the overall implementation of the RtI process at the school level.

Implementation of interventions is required before a student may be referred for a special education evaluation *unless the student is*

suspected of having low incidence exceptionality or is a danger to self or others. The SAT process requires a review of RtI data by the SAT committee when discussing an individual student and making any decisions regarding a special education evaluation.

D. INITIAL EVALUATIONS (Section 302)

An initial evaluation is the first evaluation conducted to determine if a student is a student with a disability. It is a systematic process of review, examination and interpretation of intervention efforts (i.e., RtI data), test results, interviews, observations, relevant functional and developmental information, including information from the parent. The determination of whether or not a student is an exceptional student and the nature and extent of needed special education and related services is based on the multidisciplinary evaluation and will vary based on the suspected exceptionality, review of screening data, and data collected during the evaluation process.

Either a parent of a student or any member of the child's educational team may initiate a request for an initial evaluation. All initial evaluations are conducted according to *Bulletin 1508* criteria.

1. Parent Consent (Section 301)

Parent consent is required before an initial individual evaluation is conducted for a student suspected of having a disability. If a parent does not provide consent or fails to respond to a request for consent, the St. Bernard Parish School District may, **but is not required to**, pursue an initial evaluation by utilizing procedural safeguards such as mediation or due process procedures. Every reasonable effort is made to obtain consent to conduct an initial evaluation and documentation of those efforts are maintained. If the parent fails to provide consent or refuses consent and the St. Bernard Parish School District does not utilize procedural safeguards to obtain consent, the student may not be evaluated.

Informed parent consent is not required for a student who is a ward of the state if the St. Bernard Parish School District cannot discover the whereabouts of the parent or if parental rights have been terminated by legal/court actions. Documentation of all efforts to locate the parent is maintained.

2. LEA Refusal to Evaluate (Section 504)

The St. Bernard Parish School District gives prior written notice to parents when it is proposing changes in the identification, evaluation, or educational placement of a student with a disability. Therefore, it must give prior written notice to parents when it is refusing to initiate the identification, evaluation or educational placement of a student for whom the parent has made a specific request. The notice is given in a language/mode understandable to the parents and is provided in a timely manner to ensure parent participation. (Topic 10, *Procedural Safeguards*, of this handbook outlines what is contained in the written notice.)

3. Timelines (Section 302)

Initial evaluations are conducted within 60 business (school) days from receipt of parental consent. Timeline extensions are not allowed unless the extension is due to the end of the school year, or both the St. Bernard Parish School District and the parent agree, in writing, to the extension. If both the parent and the St. Bernard Parish School District believe significant progress towards completion of the evaluation is being made, but additional time is needed to ensure a more thorough evaluation, they may agree to extend the timelines.

4. Home Schooled or Parentally Placed Students in Non-Public Schools (Section 301)

Parent consent is required before an initial evaluation is conducted on a student who is home schooled or has been parentally placed in a non-public school. **The St. Bernard Parish School District will not use consent override procedures such as mediation or due process to force the parent to consent.** Documentation of efforts to obtain parent consent is maintained. If parent consent is not provided, the student is not eligible for special education and related services.

5. Determination of Eligibility (Section 307)

The multidisciplinary team utilizes a variety of sources in determining if a student is a student with a disability. These include aptitude and achievement test results, parent input, teacher recommendations, review of RtI data, as well as information about the student's physical condition, social or cultural background, and adaptive behavior.

Once the evaluation is completed, the evaluation team, along with the parent, analyzes the evaluation data to determine if the student is a student with a disability. A copy of the integrated evaluation report is provided and interpreted to the parent at no cost to the parent. An Individualized Education Program (IEP), based on the evaluation, is

developed within 30 calendar days to plan the specialized instruction and related services the student will need.

A student is not classified as a student with a disability if assessment data indicate that the primary reason for determining eligibility was based on the following:

- Lack of appropriate instruction in reading and/or math, and/or
- Limited English proficiency.

This determination is made during the screening process before an individual evaluation is even initiated.

Before determining that a student is no longer a student with a disability, a re-evaluation is conducted. The student originally was identified as a student with a disability through the evaluation process, so s/he must go through the re-evaluation process to determine if s/he is no longer a student with a disability.

6. Provision of Services (Section 302)

Parent consent is required before a student who has been initially evaluated and determined eligible for special education and related services begins receiving those services. Services begin only after an IEP is developed and approved by the parent. Every reasonable effort is made to obtain parent consent and those efforts are documented and maintained. If the parent refuses to consent to services, or fails to respond to a request for consent, the **St. Bernard Parish School District does not use procedural safeguards** (e.g., mediation or due process) **to obtain parental consent** or to obtain a legal ruling that services may be provided to the student. An IEP Team meeting is not required as a way to document the parent's lack of response to consent or consent refusal. Best Practices, however, recommends that the IEP Team meet with the parent to review what services could be provided and how they would meet the needs of the student.

Informed parent consent for an initial evaluation is not construed as consent for initial provision of special education and related services. A parent may consent to an initial evaluation but withhold consent for the provision of FAPE through the development of an IEP.

If a parent does not respond to a request for consent or denies consent for services, the St. Bernard Parish School District is not in violation of failing to provide FAPE. Documentation of all efforts to secure consent is maintained by the St. Bernard Parish School District.

E. RE-EVALUATIONS (Section 304)

Students with disabilities are reevaluated in accordance with re-evaluation procedures outlined in *Bulletin 1508*. The purpose of the re-evaluation is to determine if the student continues to be a student with a disability and to determine current special instruction and related services needs.

See attachment #1, #2, #3

1. Parent Consent (Section 301)

Parent consent is required before a re-evaluation is conducted. If the parent refuses consent, the St. Bernard Parish School District may, **but is not required to**, pursue the re-evaluation by using consent override procedures such as mediation or due process.

Parent consent for a re-evaluation is not required if the St. Bernard Parish School District can demonstrate that every reasonable effort was made to obtain consent but the parent failed to respond to the request for consent. If the parent responds and refuses to consent to the re-evaluation, the St. Bernard Parish School District will not proceed with the re-evaluation.

Parent consent is not required before instructional staff meets to review existing instructional data as part of a re-evaluation or to administer tests that are given to all students (both with and without disabilities) unless these tests require parent consent for all students.

See attachment #1, #2, #3

2. Timelines (Sections 304 and 306)

A re-evaluation occurs at least every three years unless the parent and the St. Bernard Parish School District agree that a re-evaluation is unnecessary. An indication of why a re-evaluation is not needed is documented and both the parent and the St. Bernard Parish School District agree, in writing, not to reevaluate the student. If the IEP team, including the parent, determines a review of existing data is sufficient and additional data are not needed to determine a student continues to have a disability or to determine the student's current educational needs, a re-evaluation is not conducted. A re-evaluation is conducted, however, if the St. Bernard Parish School District determines that current educational or related services needs have changed or when the student's teacher or parent requests a re-evaluation.

A re-evaluation does not occur more than once a year unless both the parent and the St. Bernard Parish School District agree otherwise.

3. Home Schooled or Parentally Placed Students in Non-Public Schools (Section 301)

Parent consent is required before a re-evaluation is conducted on a student who is home schooled or has been parentally placed in a non-public school. *The St. Bernard Parish School District does not use consent override procedures such as mediation or due process to force the parent to consent.* Documentation of efforts to obtain parent consent is maintained. If parent consent is not provided, the student is no longer eligible for special education and related services.

F. EVALUATION PROCEDURES (Section 305)

Specific evaluation and re-evaluation procedures are outlined in *Bulletin 1508*. In conducting an evaluation, the following is included:

- Use of a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the student.
- Input from the parent regarding functional, developmental and academic information about their child.
- A review of information regarding the student's performance in the general education curriculum, including IEP goals and supports/services.
- Use of more than one measure or assessment to determine if the student is a student with a disability and to determine an appropriate educational program for the student. Assessment instruments may include ones designed to assess a specific area of educational need but not ones designed to provide a single general intelligence quotient.
- Use of technically sound assessment instruments that are valid and reliable measures to assess cognitive, behavioral, physical and developmental factors.
- Evaluation procedures that do not discriminate on a racial or cultural basis.
- Evaluations that are conducted by trained and knowledgeable personnel in accordance with the design and protocol of the assessment instruments.
- Students assessed in all areas related to the suspected disability, including health, vision, hearing, social and emotional status,

general intelligence, academic performance, communicative status, and motor abilities. Assessments used to assess students with impaired sensory, manual, or speaking skills must accurately reflect the student's aptitude or achievement level in the areas being assessed and not the student's impaired sensory, manual, or speaking skill deficits.

- Evaluations that are comprehensive and identify all of the student's special education and related services needs.

**G. INDEPENDENT EDUCATIONAL EVALUATION (IEE)
(Section 503)**

Parents are entitled to an independent educational evaluation if they disagree with the evaluation conducted by the St. Bernard Parish School District. The St. Bernard Parish School District will provide the parent with information about where an IEE may be obtained and inform them that the IEE will be conducted without cost to them. Once the St. Bernard Parish School District agrees to the parent's request, the district is responsible for ensuring that an IEE is conducted.

If the St. Bernard Parish School District disagrees with the request (i.e., determines its evaluation is appropriate), it will file a due process hearing request with the LDE. If the final hearing decision supports the appropriateness of the St. Bernard Parish School District's evaluation, the parent still has a right to an IEE but not at the St. Bernard Parish School District's expense. If the hearing decision upholds the request for an IEE, it will be provided at no cost to the parent.

At no time will the St. Bernard Parish School District require the parent to indicate the reason(s) why s/he objects to the district's evaluation. The St. Bernard Parish School District may make inquiries, but cannot force the parent to indicate their reason(s). A parent is entitled to only one IEE at public expense each time the district conducts an evaluation.

The results of the IEE will be considered by the St. Bernard Parish School District whether it was conducted at no cost to the parent or the parent paid for the IEE. The district still has the authority to determine if the IEE meets *Bulletin 1508* criteria.

Critical Questions

Student Evaluations and Appraisal Services page 1 of 2

Yes/No/NA	Critical Question	Follow-up
	1. Do all schools have a SAT that meets on a regular basis to review referrals?	
	2. Are parents included in the SAT process when their child is discussed?	
	3. Are interventions provided to general education students in general education settings prior to referral to SAT?	
	4. Are screening activities conducted as required by B. 1508?	
	5. Are all 3 tiers of RtI available?	
	6. Is progress monitoring data available for all 3 tiers?	
	7. Are RtI results (including universal screening data and documented evidence based interventions) available for review?	
	8. Has informed parent consent been obtained before conducting an initial evaluation?	
	9. Are initial evaluations completed within 60 business days unless an end of the school year extension was taken, or both the St. Bernard Parish School District and the parents agree, in writing, to an extension?	

Critical Questions

Student Evaluations and Appraisal Services page 2 of 2

Yes/No/NA	Critical Question	Follow-up
	10. Do multidisciplinary evaluation teams follow <i>B. 1508</i> criteria in conducting evaluations and in determining eligibility?	
	11. Are initial evaluations conducted before students receive special education instruction and related services?	
	12. Has informed parent consent been obtained through the IEP process before providing special education and related services?	
	13. Are re-evaluations conducted every three years unless both the St. Bernard Parish School District and the parent agree a re-evaluation is not needed?	
	14. Has parent consent been obtained before conducting a re-evaluation unless the St. Bernard Parish School District can document the parent failed to respond to a request for consent?	
	15. Are re-evaluations conducted (with parent consent) through the IEP process?	

TOPIC 4

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

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INDIVIDUALIZED EDUCATION PROGRAM (IEP)

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INDIVIDUALIZED EDUCATION PROGRAM (IEP)

IDEA and *Bulletin 1706* require that every eligible student with a disability be offered a free appropriate public education (FAPE). FAPE is provided through an Individualized Education Program (IEP) in the Least Restrictive Environment (LRE). *Bulletin 1530, Louisiana's IEP Handbook for Students with Exceptionalities*, must be followed in scheduling and developing IEPs.

A. DEFINITION OF AN IEP (Section 320)

The IEP is a written educational plan and a commitment to provide FAPE. Specifically, the IEP document serves as:

- A commitment of resources necessary to enable a student with disabilities to receive special education and related services.
- An opportunity for parents and educators to work together to identify the educational needs of students and the services that must be provided so the student may benefit from FAPE.
- A compliance/monitoring document which may be used by authorized monitoring staff to determine whether the student is receiving FAPE in the LRE.
- An evaluation device to assist in determining the extent of the student's progress toward meeting projected outcomes.

A student with a disability **does** not receive special education and related services until an IEP is developed. The St. Bernard Parish School District ensures that a current IEP is in effect at the beginning of each school year.

B. COMPONENTS OF AN IEP (Section 320)

Bulletin 1706 outlines the specific components and areas that must be addressed in the IEP. They include the following:

- A statement regarding the student's current levels of academic achievement and functional performance as related to the student's involvement and progress in the general education curriculum.
- Measurable annual goals that indicate what the student should be able to achieve in one school year related to the student's involvement and progress in the general education curriculum. If the student is participating in Alternate Assessment, the IEP must

include short-term objectives that are related to the measurable annual goals.

- A measurement standard to indicate how student progress toward meeting the annual goal will be measured and an indication of when progress reports on those goals will be completed. Progress reports should be completed at the same time report cards are completed for a given term.
- Identification of any related services and/or supplementary aids and services including curriculum accommodations and/or program modifications that a student may need in order to achieve annual goals and progress in the general education curriculum.
- Identification of how the student will participate in activities and be educated with other students, both with and without disabilities.
- Participation in LEAP, including the Alternate Assessment, and the types of accommodations needed for testing.
- Indication of the dates for special education and related services to begin and the level, frequency, location and duration of those services.

The St. Bernard Parish School District assures that all of these components and areas are addressed in IEPs of students enrolled in the district.

C. TYPES OF IEPs

The **Interim** IEP is developed for a student without a current Louisiana compliant MDE who has a severe or low incidence impairment documented by a qualified professional. An interim IEP also may be developed for a student who transfers from out-of-state and was receiving special education services in that state. An Interim IEP is developed only in concurrence with the conducting of an evaluation.

The **Initial** IEP is developed for a student with an exceptionality who has met criteria for one or more exceptionalities outlined in *Bulletin 1508, Pupil Appraisal Handbook*, and who has never received special education services, except through an interim IEP, from an approved Louisiana school/program.

The **Review** IEP is developed for a student with an exceptionality who has been receiving special education services through an existing IEP. It is reviewed and revised at least annually, or more frequently if needed, to consider the appropriateness of the program, placement,

progress in the general education curriculum or any related services needed by the student.

[Refer to the IEP Handbook or contact Deborah Lord at the Special Education Office.]

D. IEP DEVELOPMENT (Section 324)

St. Bernard Parish School District IEP Teams consider several factors when developing a student's IEP including:

- the student's strengths,
- the concerns of the parents,
- results of evaluations,
- academic, developmental and functional needs of the student,
- the use of positive behavioral interventions and supports for a student whose behavior impacts the educational program,
- language needs of a student who has limited English proficiency,
- the need for Braille for a student who is blind or visually impaired,
- communication and language needs for a student who is deaf or hard-of-hearing,
- the need for assistive technology services and devices,
- the health needs of the student, and
- the need for supplementary aids and services as well as accommodations and modifications.

General education teachers provide input into the discussion on the need for positive behavioral interventions and supports and the need for supplementary aids, services, accommodations and modifications appropriate for general education settings.

[Please contact your Pupil Appraisal staff member regarding local procedures when considering the recommendation of extra personnel (i.e., child specific paraeducator) or the purchase of specialized equipment/materials for a student.]

1. Amendments to the IEP (Section 324)

Changes are made to the student's IEP after the entire IEP Team has met and developed the IEP only if both the parent and the school agree to amend or modify the student's current IEP. If both parties agree in writing, the IEP Team is not necessarily reconvened. Amendments or modifications to the current IEP are developed in a written document and all IEP Team members informed of the changes. Amendments

are made only if procedural guidelines for reconvening the IEP Team are followed and a copy of the amended IEP is provided to the parents at no charge.

[Refer to the IEP Handbook or contact Deborah Lord at the Special Education Office.]

2. IEP Review/Revision (Section 324)

A student's IEP is reviewed at least annually to determine if the student is achieving the annual goals. When revising the IEP, the team addresses the student's progress or lack of progress in the general education curriculum and achievement of the annual goals.

E. IEP TEAM PARTICIPANTS (Section 321)

In the St. Bernard Parish School District, each IEP team is properly constituted. Members include the following:

- The student's parents.
- At least one general education teacher of the student if the student attends general education classes or may possibly attend general education classes.
- At least one special education teacher or provider of services to the student.
- An officially designated representative of the St. Bernard Parish School District. The ODR is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the students. The ODR is knowledgeable about the general education curriculum and can commit resources to implement the IEP. The St. Bernard Parish School District identifies individuals who will serve as the ODR and disseminates this information within the district. The student's special education teacher does not serve as ODR on the student's IEP Team.
- An individual who can interpret the evaluation results.
- Other individuals at the discretion of the parent(s) or the St. Bernard Parish School District who can provide input into the needs of the students.
- The student when it is appropriate.

Refer to the IEP Handbook or contact Deborah Lord at the Special Education Office.

1. Transition Services IEP Team Participants (Section 321)

In addition to the individuals listed above, the student is invited to attend the IEP Team meeting if transition services will be discussed. The parent is notified through the IEP Prior Notice letter that the student will be invited to the IEP Team meeting. If the student does not attend the IEP Team meeting, steps are taken to ensure that the student is allowed to provide input into the development of the plan relative to his/her preferences and interests. Before an adult service agency is invited to an IEP Team meeting where transition services are to be discussed, the St. Bernard Parish School District first obtains parent consent (or student consent if student is 18 years of age or older).

2. IEP Team Attendance (Section 321)

All individuals listed as required members of an IEP Team attend and participate in the development of the entire IEP plan. However, if both the parent and the St. Bernard Parish School District agree, in writing, that attendance by a member is not needed because the specific curriculum area or discipline *is not being addressed* (i.e., no changes or modifications are being made), the individual will be excused from attending all or part of the meeting. If a specific curriculum area or discipline *is being discussed*, the relevant IEP Team member will be excused from attending all or part of the meeting only if the parent and the St. Bernard Parish School District agree in writing and the relevant IEP Team member submits written input to the parent and IEP Team prior to the meeting.

Refer to the IEP Handbook or contact Deborah Lord at the Special Education Office.

3. Parent Participation (Section 322)

Parents are notified in writing and in a timely manner (i.e., early enough to ensure parents the opportunity to attend) of the IEP Team meeting. The IEP Team meeting is scheduled at a time and place mutually agreed upon by both the parent and school site staff.

The IEP Prior Notice letter to the parent includes the purpose of the meeting (e.g., development of annual IEP, development of transition plan, discussion of discipline issues, etc.), the time, location of the meeting and who will be in attendance.

Students 18 years of age and older receive their own notice of the IEP meeting. It indicates that the purpose of the meeting will be to discuss

the IEP and transition services. This notice also informs the student of any adult service agencies invited to participate in the IEP Team meeting.

Every effort is made, and documented, to ensure parent attendance at the IEP Team meeting. If a parent(s) is unable to attend, the school will conduct the IEP meeting and secure parental participation by other methods such as individual or conference telephone calls.

If the school is unable to convince a parent to attend the IEP team meeting, documentation is collected and maintained that indicates all efforts to secure parent participation. Documentation may include logs of attempted or actual telephone calls, copies of correspondence sent by Certified Mail, or even records of visits made to the parent's home or place of employment.

The St. Bernard Parish School District is required to document efforts to ensure that parents understand notices of IEP Team meetings and the actual IEP Team meeting proceedings. For parents who are deaf or who do not speak English, the St. Bernard Parish School District will arrange for an interpreter.

A 'parent' is defined as a biological or adoptive parent of a child, a foster parent, a guardian who acts as the child's parent or is authorized to make educational decisions for the child (other than the state if the student is a ward of the state), an individual acting in the place of a biological or adoptive parent (such as a grandparent, stepparent, or other relative with whom the child lives), or a surrogate parent appointed to act in the child's behalf. A surrogate parent is appointed if the student is a ward of the state.

Refer to the IEP Handbook or contact Deborah Lord at the Special Education Office.

4. Surrogate Parents (Section 519)

A surrogate parent is assigned to a student by the St. Bernard Parish School District when:

- no parent can be identified
- the St. Bernard Parish School District cannot locate the parent
- the student is a ward of the State
- the student is an unaccompanied homeless youth.

A surrogate parent is assigned within 30 days of determining a student needs one. Any individual may be assigned as a surrogate parent as long as they are not an employee of the LDE, LEA or other agency

involved in the education or care of the student. This individual will not have any personal or professional interests that conflict with the best interests of the student and s/he will possess skills necessary to adequately represent the student. A staff member of an emergency shelter or transitional shelter may be assigned temporarily to be a student's surrogate parent until a regular surrogate parent is assigned.

Refer to the Surrogate Parent Handbook or contact Jackie Porter at the Special Education Office.

5. Parent Disagreement/Revocation of Services

A parent's *disagreement* with IEP services and/or placement as outlined on the IEP does not amount to a revocation of consent for services under IDEA. Even if the parent disagrees with services, the St. Bernard Parish School District will implement the IEP and notify the parents of their rights to pursue resolution through the LDE's complaint or due process procedures.

A parent may *revoke* consent for services. If a parent revokes consent (and not just disagrees), the St. Bernard Parish School District ceases to provide services and gives the parent notice that all services will cease with their revocation. If at a later date the parent requests services or request that the student be re-evaluated, an initial evaluation is necessary to once again determine eligibility for special education. (*Upon clarification from the LDE, the need for an initial evaluation may not be required. Please refer to updates from the LDE regarding this issue.*)

F. IEP TIMELINES (Section 323)

For students with initial evaluations, an IEP is developed within 30 calendar days of the determination of eligibility for special education and related services. This is 30 calendar days from the date of dissemination of the integrated multidisciplinary report. Within these 30 days, written notice of the IEP Team meeting is sent to the parents and the IEP Team meeting held to develop the IEP. Special education and related services will begin within 10 days of the development of the initial IEP. For review IEPs, services will continue the next school day so that there is no break in providing FAPE.

G. LEAST RESTRICTIVE ENVIRONMENTS

Educational environments for student's ages 6 through 21 provide for a continuum of environments from least to most restrictive. This continuum, however, is not considered a continuum of least restrictive environment for students who are deaf or hard of hearing or for students who are gifted and/or talented.

- *Inside the general education class 80% or more of the day.* This placement includes general education class settings with either special education/related services provided within the general class setting or outside the general class setting, or general education class settings with special education services provided in a resource room.
- *Inside the general education class no more than 79% of the day and no less than 40% of the day.* This placement includes resource room settings where special education/related services are provided or resource room settings with the student receiving part-time instruction in a general education class setting.
- *Inside the general education class less than 40% of the day.* This placement allows for self-contained special education classrooms with part-time instruction in general education classes provided to the student or self-contained special education classrooms with full-time special education instruction provided. Both options are provided on a general education school campus.
- *Separate school.* This placement includes schools that only provide services to student with disabilities, either private or public schools, at which the student spends more than 50% of the time.
- *Residential Facility.* This placement includes public and private residential schools for students with disabilities or public and private residential schools for student with disabilities who attend for more than 50% of the school day and then spend the rest of the time in a separate day school or in regular school buildings.
- *Hospital/Homebound.* Students in hospital or homebound placements will receive at least 4 hours of special education services weekly.

Educational environments for student's ages 3 through 5 provide the setting that is most appropriate for pre-school aged students. The following list of settings is not considered a continuum of least restrictive environments for students 3 through 5. Each setting is considered and the most appropriate selected.

- *In the regular early childhood program at least 80% of the time.*
- *In the regular early childhood program from 40% to 79% of the time.*
- *In the regular early childhood program less than 40% of the time.* Early childhood programs may include Head Start, Kindergarten, reverse mainstream classrooms, private preschools and preschool classes offered to eligible pre-K populations by the St. Bernard Parish School District, and group child care settings such as Starting Points or LA4.
- *In an early childhood special education separate class.* This includes settings with less than 50% students without disabilities. These settings may include services provided in special education classes in regular school buildings, trailers or portables outside regular school buildings, child care facilities, hospital facilities on an outpatient basis, and other community-based settings.
- *In an early childhood special education school.* This includes settings, private or public, that are designed especially for children with disabilities.
- *In an early childhood special education residential facility.* This includes public or privately operated residential schools or medical facilities where the student receives services on an inpatient basis.
- *Receiving special education and related services at home.* This setting is used for children who are provided some or all of their special education services in their home.
- *Receiving special education and related services at the service provider location.* This setting is used for children who receive all of their special education and related services from a service provider and do not attend an early childhood program or a special education program, separate school or residential facility.

H. THREE YEAR AGE SPAN

The St. Bernard Parish School District assures that there is not more than a three year chronological age span in any special education class unless otherwise specifically permitted by the SBESE. Special education classes may be grouped to provide for the most efficient delivery of services in accordance with student IEPs.

I. SITE DETERMINATION

The actual school site where IEP services will be provided is determined at the IEP Team meeting. If the site is not determined at that time, it will be determined within 10 calendar days of the IEP

Team meeting. The St. Bernard Parish School District has the authority to determine the school site at which a student will receive IEP services.

J. ACCESS TO RECORDS AND CONFIDENTIALITY (Sections 613, 614, 615)

A student's IEP is accessible to all teachers and related services staff who are responsible for implementation of the IEP. Teachers and related services staff are informed of their specific responsibilities in implementing the IEP, especially the accommodations, modifications and supports that must be provided as outlined on the IEP.

All special education related records are maintained in a secure and confidential manner. An access sheet is placed in the front of any file containing student information. This sheet documents all parties who have reviewed a student's records, the date on which the records were accessed and the reason for the access. Parents and authorized employees of the St. Bernard Parish School District do not have to sign the access sheet each time they access the student's records.

Refer to the IEP Handbook or contact Deborah Lord at the Special Education Office.

A parent has a right to access records only on their child(ren). Upon request from a parent, the St. Bernard Parish School District provides the parent a list of the types and locations of educational records collected, used and maintained by the St. Bernard Parish School District on their child(ren).

K. TRANSITION SERVICES (Section 320)

A transition plan is developed as part of the IEP for all students with disabilities beginning at age 16 that targets specific, measurable postsecondary goals and the transition services a student may need in order to achieve those goals.

By the time a student with a disability turns 16, the instructional team conducts appropriate transition assessments that provide the team with data to design and implement a transition plan. At the IEP Team meeting for students 16 years of age and older, a transition services plan is developed that addresses action steps in the areas of training, education, employment, and when needed, independent living skills.

Refer to the IEP Handbook or contact Deborah Lord at the Special Education Office.

L. TRANSFER OF RIGHTS AT AGE OF MAJORITY (Sections 320 and 520)

Educational rights guaranteed by the IDEA transfer from the parent to the student when the student with a disability reaches the age of majority (age 18). Beginning at least one year prior to the transfer of rights, both the parent and the student are informed of the transfer and a statement written on the IEP to this effect. The transfer of rights applies to all students with disabilities when they turn 18 years of age unless custody has been granted to the parent through legal interdiction proceedings.

A parent may allege that the student lacks the ability to provide informed consent with regard to his/her educational program. The student has the right to dispute this claim either orally, in writing, or by another method of communication. If the student disputes the parent's request, the student retains all rights. If the student does not object to the parent's request, the parent retains control over the student's educational rights.

M. TRANSFER STUDENTS (Section 323)

FAPE is provided to students with current IEPs who transfer during the current school year from other public agencies within the state of Louisiana. Services comparable to those listed on the other public agency's IEP are implemented as soon as the student enrolls. The St. Bernard Parish School District may adopt the IEP as is or develop and implement a new IEP.

If a student transfers from another state within the current year with a current (within one year) IEP, the St. Bernard Parish School District provides FAPE that is comparable to the services outlined on the other state's IEP until such time as the St. Bernard Parish School District can conduct a *Bulletin 1508* compliant evaluation and develop and implement a new IEP based on evaluation results.

Reasonable steps are taken to obtain the records of all transfer students, including the IEP and other records related to special education and related services.

If a student with a disability enrolls in your school, contact Dale Letulle at the Special Education Office immediately to obtain the appropriate records.

Critical Questions

INDIVIDUALIZED EDUCATION PROGRAM page 1 of 2

Yes/No/NA	Critical Question	Follow-up
	1. Do students have current (within 3 years) MDEs indicating they are exceptional?	
	2. Have all IEP Team members, including the parent, received prior notice of the IEP Team meeting?	
	3. Is the IEP Team properly constituted with ODR, special education/general education teachers, support staff, parent, and student (when required)?	
	4. Were IEP Team members excused only if the parent and the school agreed, in writing, to excuse the members?	
	5. If a student is 18 years of age and older, did s/he receive a prior notice of IEP Team meeting letter?	
	6. If a student is 16 years of age or older, did the IEP Team begin with the Transition Services Form?	
	7. Do IEPs contain all required components?	
	8. Were IEPs developed within 30 days of dissemination of MDEs for students with initial evaluations?	
	9. Did services begin within 10 days of development of an IEP for students with an initial evaluation?	
	10. Are special education and related services provided only to students with current IEPs?	

Critical Questions

INDIVIDUALIZED EDUCATION PROGRAM page 2 of 2

Yes/No/NA	Critical Question	Follow-up
	11. Are all personally identifiable records on special education students maintained in a secure and confidential manner?	
	12. Is there an Access sheet in front of any file or folder containing information on a special education student?	
	13. Were the parent and the student notified at least one year prior to the student turning 18 that all educational rights transfer to the student?	
	14. Is there a process for obtaining and assigning Surrogate Parents?	

TOPIC 5

LOUISIANA EDUCATIONAL ASSESSMENT PROGRAM

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LOUISIANA EDUCATIONAL ASSESSMENT PROGRAM

IDEA requires that students with disabilities participate in all statewide testing programs regardless of disability category. Any statewide testing program must allow students with disabilities to use accommodations that have been identified by the IEP Team.

A. LEAP OVERVIEW

These are the assessments administered statewide. They include:

- The Louisiana Educational Assessment Program (LEAP)
- Graduation Exit Examination (GEE)
- End of Course test (EOC)
- The *Integrated* Louisiana Educational Assessment Program (*i*LEAP)
- LEAP Alternate Assessment, Level 1 (LAA 1)
- LEAP Alternate Assessment, Level 2 (LAA 2)/ASA/ASA LAA 2

All special education students participate in statewide assessments in grades three through eleven in the St. Bernard Parish School District. Students take the test that corresponds to their enrolled grade level. Annually, the IEP Team makes the decision regarding which test a student will be administered. No student is exempted from participating in the statewide testing program.

B. TYPES OF TESTS

The tests in which students may participate. They are as follows:

1. LEAP

The LEAP is a high-stakes criterion-referenced test administered at grades 4 and 8. This test measures how well a student has mastered the state content standards in English Language Arts, Mathematics, Science and Social Studies. This is a high stakes test because it measures whether students at grades 4 and 8 have adequate knowledge and skills to progress to the next grade.

Students receive one of 5 ratings indicating performance on the assessment: Advanced, Mastery, Basic, Approaching Basic, or Unsatisfactory. Students in grade 4 are required to score *Basic* or above on either the English Language Arts or the Mathematics test and *Approaching Basic* or above on the other to progress to grade 5.

Students in grade 8 are required to score *Basic* or above on either the English Language Arts or the Mathematics test and *Approaching Basic* or above on the other to progress to grade 9.

2. GEE AND EOC

GEE

The GEE is a high-stakes criterion-referenced test administered at grades 10 and 11. This test measures how well a student has mastered the state content standards in English Language Arts, Mathematics, Science and Social Studies. The GEE requires that high school students exhibit sufficient knowledge and skills to be eligible for a high school diploma. The GEE is directly aligned with the state content standards and is as rigorous as standards of the National Assessment of Educational Progress (NAEP). Students receive one of 5 ratings indicating performance on the assessment: Advanced, Mastery, Basic, Approaching Basic, and Unsatisfactory. The GEE requires that high school students score *Approaching Basic* or above on the English Language Arts and Mathematics tests **and** on either the Science or the Social Studies test to be eligible for a standard high school diploma.

End of Course

Freshmen entering high school in the 2010-11 school year and thereafter, will not take the GEE. These students must pass three **End-of-Course (EOC)** tests in the following categories: English II or English III, Algebra I or Geometry, and Biology or American History. Thus, the EOC tests will replace the GEE for graduation purposes.

Students with disabilities who have passed two of the three required EOC assessments and have exhausted all opportunities prior to the end of their senior year may request to have the required third EOC test waived by the State Superintendent of Education if the Louisiana Department of Education determines the student's disability significantly impacts his or her ability to pass the EOC exam.

3. iLEAP

The *iLEAP* is a state developed test that is both norm-referenced (NRT) and criterion-referenced (CRT). It is aligned to state content standards and allows for student results to be stated in terms of the state's performance standards (i.e., Advanced, Mastery, Basic, Approaching Basic, and Unsatisfactory) as well as in norm-referenced test scores. The *iLEAP* English Language Arts and Math tests consist of norm-referenced test components from The Iowa Test supplemented with criterion-referenced items developed to align with

the Louisiana Grade-Level Expectations (GLEs). The *iLEAP* English Language Arts and Math tests are administered at grades 3, 5, 6, 7, and 9. The *iLEAP* Science and Social Studies tests are administered at grades 3, 5, 6, and 7 and are composed entirely of items aligned to the GLEs. In other words, no items from The Iowa Test are used in the Science and Social Studies tests. At grade 9, science and social studies are not assessed.

4. LAA 1

LAA I was developed to assess students with significant cognitive disabilities. It is a performance-based assessment designed for students whose instructional program is aligned with the Louisiana Extended Standards. The Extended Standards are extensions of selected state content standards, benchmarks and GLEs, and are organized by grade spans: 3-4, 5-6, 7-8, and 9-11. Students address the Extended Standards from three Complexity Levels: Level 1, 2, 3. The levels are descriptions of ways the student may access the academic content identified by the Extended Standard.

Only students with the most significant cognitive disabilities are eligible to participate in LAA 1. Students with significant cognitive disabilities are students who are functioning three or more standard deviations below the mean in cognitive functioning and/or adaptive behavior. Students identified as Mildly Mentally Disabled are not eligible to participate in LAA 1. The determination of eligibility for LAA 1 participation is made by the IEP Team. After a review of documentation, the IEP Team completes the *LEAP Alternate Assessment, Level 1 Participation Criteria Grades 3 -11* form. The IEP Team must agree that all three criteria listed on the form are met. The criteria are as follows:

- The student has a disability that significantly impacts cognitive functioning and/or adaptive behavior.
- The student requires extensive modified instruction aligned with the Louisiana Standards to acquire, maintain, and generalize skills.
- The decision to include the student in LAA 1 is not solely based on:
 - The student's placement
 - Excessive or extended absences
 - Disruptive behavior
 - English language proficiency
 - Student's reading level
 - Student's disability according to Bulletin 1508
 - Social, cultural, and/or economic differences

- Anticipated impact on school performance scores
- Administrative decision
- The expectation that the student will not perform well on the LEAP, *i*LEAP, GEE or LAA 2.

Students who continue participating in LAA 1 will not be eligible for a standard high school diploma. LAA 1 students will progress towards a Certificate of Achievement. LAA 1 students may participate in the Pre-GED/Skills Option Program based on meeting eligibility criteria.

5. LAA 2/ASA/ASA LAA 2

The LAA 2/ASA/ASA LAA 2 was developed to assess students who are functioning at least one to three grade levels below the actual grade level in which they are enrolled. These assessments are based on modified academic achievement standards and designed specifically for students with persistent academic disabilities who have been identified as special education students through a *Bulletin 1508* evaluation. These assessments are criterion-referenced assessments for students in grades 4 through 11 whose instructional program is aligned with the Louisiana Content Standards. Students may participate in both LAA 2 and the on-level testing program (i.e., LEAP, *i*LEAP, GEE). The IEP Team may determine if a student will participate in LAA 2 in one or more content areas and also participate in on-level LEAP/*i*LEAP/GEE/EOC for the remaining content areas.

The determination of eligibility for these assessments participation is made by the IEP Team. After a review of documentation, the IEP Team completes the *LEAP Alternate Assessment, Level 2 Participation Criteria for Grades 4 - 11* form. The IEP Team must agree that all criteria listed on the form are met. The criteria are as follows:

Approved by BESE 11/17/2009 (revised 9/07/2011)

LEAP Alternate Assessment Level 2, (LAA 2) Participation Criteria Guidance for the Participation Requirements for LAA 2

LEAP Alternate Assessment, Level 2 (LAA 2) is based on modified academic achievement standards. This assessment allows students with persistent academic difficulties who are served under the Individuals with Disabilities Education Improvement Act (IDEA) to participate in academic assessments that are sensitive to measuring progress in their learning. These are students whose disability has prevented them from attaining grade-level proficiency. The students must have access to a curriculum based on grade-level content standards, and must be assessed with a measure that also is based on grade-level content standards. The IEP Team makes the decision as to whether the student will participate in LAA 2 based on the LAA 2

Participation Criteria. If the student is on the non-diploma pathway and is working toward earning a General Equivalency Diploma (GED) or a State-approved Skills Certificate (SASC) and is eligible for LAA 2, then the student will participate in the Academic Skills Assessment (ASA) LAA 2.

IEP team members must use multiple sources of information to guide decision-making for statewide assessment purposes. The IEP team must review evidence that includes current IEP goals and/or objectives as well as results from statewide assessments (LEAP, iLEAP, GEE, LAA 2 and LAA 1); and recent results from other tests to document significant academic difficulties; class performance records; and/or growth rates compared to grade level national or local norms, including proficiency levels from prior years.

There must be documentation on the IEP that the student has significant academic difficulties, at least in English language arts, reading and/or mathematics based on class performance records and local and state assessments.

The student scored at the *Unsatisfactory* level in English language arts and/or mathematics on the previous year's LEAP/iLEAP/GEE or scored Needs Improvement on the English II or English III and/or Algebra 1 or Geometry EOC or participated in LAA 1 or LAA 2. The student has an IEP with goals based on academic content standards for the student's enrolled grade and the student requires supports to access the general education curriculum. The student's progress to date, in response to appropriate instruction designed to address the student's individual needs is such that, even if significant growth occurs, the student will not achieve grade-level proficiency within the year covered by the student's IEP. The decision to include the student in LAA 2 is not solely based on the *student safeguards* under Criterion 4 on the form.

A student is eligible to take parts of the LAA 2 assessment and the regular assessment (LEAP or GEE). The content areas for which the student will be taking LAA 2 must be identified on the student's IEP. If a student is in grade 5, 6, 7, and is participating in LAA 2, the student is only required to take ELA and Math, but can take Science and Social Studies as determined by the student has academic goals based on the content standards/GLEs for the students enrolled grade. At a minimum, a student's IEP must have goals in ELA and/or mathematics if the student is participating in LAA 2 in either content area. The student requires supports to access the general education curriculum and may require accommodations during classroom instruction and tests. The student scored *unsatisfactory* on the regular assessment or in English language arts and/or mathematics the previous year or *Needs Improvement* on the English II or English III and/or Algebra 1 or Geometry EOC or previously participated in LAA 1 or LAA 2. Students are eligible to participate in LAA 2 starting in the 4th grade. The student, even with direct, intensive, individualized instruction as indicated by the student's IEP, is unable to demonstrate competence of grade-level skill within the year through the monitoring of the student's progress in achieving those goals. The student must take all content areas assigned for grades 4 and 8 and the content areas assigned to the specific grade for grades 10-11. If the student scored *Approaching Basic* or higher in a content area, the IEP team may decide that student can take parts of both LAA 2 and the regular

assessment (LEAP, iLEAP, or GEE). The student has to have significant academic difficulties to be eligible to participate in LAA 2. The safeguards cannot be the basis on which the student is determined eligible to participate in LAA2. The placement of a student in LAA 2 shall not be an administrative decision to bypass the high stakes testing policy.

Approved by BESE 11/17/2009 (revised 9/07/2011)

Sample Form for LAA 2

Student _____ DOB _____
State ID# _____ Grade Enrolled _____
School _____ District _____ Date* _____

This LEAP Alternate Assessment, Level 2 (LAA 2) policy, based on modified academic achievement standards, allows students with persistent academic difficulties who are served under the Individuals with Disabilities Education Improvement Act (IDEA) to participate in academic assessments that are sensitive to measuring progress in their learning. There must be evidence from multiple sources that indicate the student is having **significant academic difficulties**, at least in English language arts, reading and/or mathematics. The Local Education Agency (LEA) is required to provide the student with LEAP remediation and accommodations to ensure the student makes progress towards meeting his or her IEP goals and/or objectives related to the general education curriculum. The IEP team may also decide for the student is to participate in one or more content areas in the regular assessment (LEAP or GEE). If the student is on the non-diploma pathway and is working toward earning a General Equivalency Diploma (GED) or a State-approved Skills Certificate (SASC) and is eligible for LAA 2, then the student will participate in the Academic Skills Assessment (ASA) LAA 2.

The team must address the following criteria:

“AGREE” OR “DISAGREE” FOR EACH STATEMENT. Evidence supporting Criteria 1, 2 and 3 must be addressed in the student’s IEP folder.

Criterion #1 – Evidence that the student’s disability has precluded the student from achieving grade level proficiency.

Agree Disagree The student scored at the *Unsatisfactory* level in English language arts and/or mathematics on the previous year’s LEAP/iLEAP/GEE or scored Needs Improvement on the English II or English III and/or Algebra 1 or Geometry EOC or participated in LAA 1 or LAA 2.

Criterion #2 – Evidence from multiple sources that the student’s IEP is based on the academic content standards and the student requires support to access the general education curriculum.

Agree Disagree The student has an IEP with goals based on academic content standards for the student’s enrolled grade and the student requires support to access the general education curriculum.

Criterion #3 – Evidence from multiple sources that the student will not achieve grade level proficiency within the IEP year.

Agree Disagree The student’s progress to date, in response to appropriate instruction designed to address the student’s individual needs is such that, even if significant growth occurs, the student will not achieve grade-level proficiency within the year covered by

the student's IEP.

Criterion #4 – Student Safeguards

Agree Disagree The decision to include the student in LAA 2 is not **solely** based on the following:

1. the student's placement
2. the student's disability according to Bulletin 1508
3. excessive or extended absences
4. social, cultural, and/or economic differences
5. disruptive behavior
6. anticipated impact on school performance scores
7. English language proficiency
8. administrative decision
9. the student's reading level
10. the expectation that the student will not perform well on the regular assessment (LEAP/iLEAP/GEE)

To be eligible to participate in LAA 2, the response to each of the four statements above must have been "Agree."

A student is eligible to take parts of the LAA 2 assessment and the regular assessments (LEAP or GEE). The content areas for which the student will be taking LAA 2 must be identified on the student's IEP. If a student is in grade 5, 6, or 7, and is participating in LAA 2, the student is only required to take ELA and Math. The content areas in which the student will be taking LAA 2 must be identified on the student's IEP.

ELA Mathematics Science Social Studies

Parental Understanding: If my child is eligible for and participates in LAA 2, my initials indicate I understand the statements below

_____ I am aware that testing in LAA 2 means my child (I) is (am) having significant academic difficulties in reading, language arts and/or mathematics. It is an IEP team decision, based on the needs of my child (my needs), for my child (me) to participate in LAA 2.

_____ I am aware that my child (I) can participate in LAA 2 in one or more content areas and at the same time participate in the regular statewide assessment (LEAP, iLEAP or GEE) for the remaining content areas required at my child's (my) enrolled grade.

_____ I am aware that if my child participates in LAA 2 and by meets all graduation requirements, my child (I) will receive a High School Diploma.

However, if during my child's (my) exit year all graduation requirements have not been met, then my child (I) may be eligible to exit high school with a Certificate of Achievement. I understand that this certificate limits my child's (my) choices of post-secondary education and careers, including military services. The implications of participating in LAA 2 have been explained to me and will be reviewed annually.

_____ My child is working toward a GED or State-approved Skills Certificate, meets LAA 2 eligibility therefore will be participating in the ASA LAA 2 instead of the regular LEAP program.

IEP Team Decision: This form shall be attached to the student's current IEP. This form must be completed annually. The assessment decision must be documented on the student's IEP.

_____ is **eligible** for participation in LEAP Alternate Assessment, Level 2 and **will participate** in LAA 2.
(Student's name)

_____ is **eligible** for participation in LEAP Alternate Assessment, Level 2 but **will not participate** in LAA 2.

(Student's name)

_____ is **not eligible** to participate in LEAP Alternate Assessment, Level 2.

(Student's name)

_____ is **eligible** for and will participate in the Academic Skills Assessment LAA 2 (ASA LAA2)

(Student's name)

Parent/Student Signature* _____

District/School Representative Signature* _____

*Signature and date are required. Copies must be included with the IEP and be provided to teacher(s), parent, and central office

(Note that the LDE is in the process of making changes regarding LAA2/ASA/ASA LAA 2. Please refer to updates from the LDE regarding this issue.)

C. TESTING ACCOMMODATIONS

Students with disabilities are provided testing accommodations that are identified by the IEP Team. Accommodations allowed for statewide assessments are the same as those provided to the student on a regular basis in his/her normal instructional program. The following test accommodations may be used:

- Braille, Large Print
- Answers Recorded
- Assistive Technology
- Extended Time
- Communication Assistance
- Transferred Answers
- Individual/Small Group Administration
- Test Read Aloud
- Other (as documented by the IEP Team and does not breach test security or invalidate the meaning of the test score or purpose of the test).

D. IEP TEAM INVOLVEMENT

The IEP Team makes all decisions regarding the type of test a student will take and the kinds of accommodations that may be needed. The Team reviews instructional data and considers the type of testing program in which the student participated in previous years. This review assists the Team in determining the appropriate test for the

current year. The *LAA 1 Participation Criteria* form and the *LAA 2 Participation Criteria* form are used to document a student's eligibility for either LAA 1 or LAA 2/ASA/ASA LAA 2. The type of test a student will take may change from one year to the next depending on the decision of the IEP Team.

Once the type of test the student will participate in is determined, the IEP Team considers the types of accommodations a student may need during the testing period. Accommodations needed for the statewide assessments are the same accommodations the student is provided in his/her regular instructional program. Accommodations checked in the testing section of the IEP document match the accommodations checked on the Accommodations Page of the IEP document.

Refer to your local procedures relative to the District Test Coordinator (DTC) and the State Test Coordinator (STC). Please notify the school counselor regarding testing accommodations needed for specific students or the need for specific testing materials (e.g., large print, Braille). District policies are located in the testing policies handbook or you may contact Mary Lumetta – Accountability Supervisor at the school board office.

Critical Questions

LOUISIANA EDUCATIONAL ASSESSMENT PROGRAM		
Yes/No/NA	Critical Question	Follow-up
	1. Does the St. Bernard Parish School District ensure that all students with disabilities participant in the statewide testing program?	
	2. Does the St. Bernard Parish School District ensure that IEP Teams make all decisions regarding testing programs for students with disabilities?	
	3. Does the St. Bernard Parish School District provide inservice to school site staff regarding the different statewide tests and how to administer them?	
	4. Does the St. Bernard Parish School District ensure that only students who meet the LAA 1 or LAA 2/ASA/ASA LAA 2 criteria participate in those tests?	
	5. Are test accommodations outlined on student IEPs and implemented on a regular basis during the regular instructional program?	
	6. Are IEP indicated test accommodations provided during the actual testing sessions?	

TOPIC 6

DISCIPLINE

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DISCIPLINE

IDEA special education discipline procedures apply to all students classified as disabled according to *Bulletin 1508* criteria, or to students for whom a disability has not yet been identified through *Bulletin 1508* procedures, but are known to have/or suspected of having a disability.

The St. Bernard Parish School District discipline procedures for special education students with disabilities include emphasis on **positive behavior supports and appropriate interventions**. In addition to positive school-wide and individual student interventions, consequences may include in-school and out-of-school suspensions, and before/after/during school detentions and Saturday detentions if these consequences are applied to students without disabilities.

While the St. Bernard Parish School District has outlined specific discipline procedures for all students, including a code of student conduct, final decisions regarding disciplinary actions of students with disabilities rests with the IEP Team. Therefore, disciplinary actions related to students with disabilities are made on a case-by-case basis.

A. REMOVALS (10 day rule) (Section 530)

A special education student with a disability may be disciplined for violating the St. Bernard Parish School District's code of conduct in the same manner in which a general education student is disciplined. A student with a disability may be suspended for any offense that has been established as an offense warranting 'suspension' by the St. Bernard Parish School District.

A student with a disability who violates the St. Bernard Parish School District's code of conduct may be removed from school for up to 10 days as long as the removals do not constitute a 'change of placement'. This means that a student may be suspended *out of school* from 1 to 10 days for behavior offenses. After each suspension, the student returns to his/her regular school campus. If multiple suspensions constitute a pattern of removals, the IEP Team will reconvene to address the pattern of behaviors.

A student who violates the St. Bernard Parish School District's code of conduct may be assigned to an *in-school suspension* program (ISS). Days a student spends in an ISS setting does not count towards the 10 days if the student was provided FAPE in the ISS setting. If FAPE is not provided, these days are included in the 10 day count. In addition,

services to students in the ISS setting are provided by a certified teacher(s) as per the IEP. If not, then these days also are included in the 10 day count.

Bulletin 1706 allows school personnel to remove a student with a disability who violates a code of school conduct from his/her current placement to an appropriate interim alternative educational setting (IAES), to another setting, or to suspension for not more than 10 consecutive school days as long as these actions are applied to students without disabilities. St. Bernard Parish School District personnel may remove a student for additional days of not more than 10 consecutive school days in the same school year for separate incidents of misconduct as long as these additional days of removal do not constitute a 'change of placement'. Students who are removed for 1 to 10 days do not have to receive services on those days unless the St. Bernard Parish School District provides services to students without disabilities who are removed for 1 to 10 days. However, once a student has been removed for 10 days, either consecutive or cumulative days, s/he will continue to receive FAPE beginning day 11. The provision of FAPE means that the services outlined on the student's current IEP are implemented.

Beginning with the 11th day of a removal, the student will:

- continue to receive educational services, as outlined on the IEP, that will enable him/her to continue participating in the general education curriculum although s/he may be assigned to another setting (e.g., another school, IAES, etc.).
- if appropriate, receive a functional behavior assessment (FBA) and development of corresponding behavior intervention services and modifications that address the inappropriate behavior.

If a student already has been removed for 10 days in the same school year and school personnel propose additional removal days (of not more than 10 consecutive days), school personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed and the setting in which those services will be provided. This is allowed only if the current removal is not considered a 'change of placement'. If the removal does constitute a 'change of placement', the student still may be placed in another placement if both the school and the parents agree to this change. If there is agreement, there is no need to apply the IDEA discipline procedures. However, beginning day 11 of a removal, FAPE, as outlined on the current IEP, is provided to the student wherever s/he is placed. **If the removal is considered a 'change of placement', a**

manifestation determination is made and the IEP Team determines appropriate services.

At no time during one school year is a special education student's instructional program interrupted for more than 10 days due to disciplinary actions. A Free Appropriate Public Education (FAPE) continues to be provided after the 10th day of removal.

Rowley Alternative School and homebound setting are the interim alternative placements that are considered by the IEP committee when a change to an interim alternative setting is agreed upon by the IEP committee.

B. CHANGE OF PLACEMENT (Section 536)

A 'change of placement' occurs if:

- the removal of the student is for more than 10 consecutive days, or
- the removal of the student has constituted a pattern of removals.

A *pattern of removals* is considered when one of the following occurs:

- The series of removals total more than 10 school days in a given school year.
- The behavior for which the student is being removed is substantially similar to the behaviors exhibited during previous removals.
- The length of each removal, the total amount of time removed, and the proximity of the removals from one another (e.g., closely following each other) are related.

The decision as to whether a pattern of removals exists is made on a case-by-case basis based on the individual student, the specific manifestations of the behaviors and the resulting action taken by the St. Bernard Parish School District/school.

When a student is suspended or removed from special education services three times in one school year, the IEP committee will develop/revise the Functional Behavioral Assessment as well as the Behavior Improvement Plan. Upon a recommendation by the school administrator that a student be removed from their current setting for

more than 10 days, a manifestation determination must be held within 24 hours of the recommendation.

C. MANIFESTATION DETERMINATION (Section 530)

A manifestation determination (MD) is made when school personnel are considering a ‘change of placement’ due to behavior exhibited by the student. Within 10 days of a decision to change the placement of a student, the St. Bernard Parish School District, the parent, and relevant IEP Team members meet to review information related to the behavior incident, the student, and the current IEP. The purpose of this meeting is to determine if the behavior in question was caused by or related to the student’s disability, or if the behavior was a direct result of the St. Bernard Parish School District’s failure to implement the IEP. If the decision is that the behavior was related or that the St. Bernard Parish School District failed to implement the IEP, the MD decision will be that the behavior is a manifestation and, therefore, related to the student’s disability.

The Manifestation Determination Review (MDR) committee includes the following members:

- The parent. (Every effort is made to include the parent in the Manifestation Determination decision.)
- The Officially Designated Representative (ODR) of the St. Bernard Parish School District.
- Relevant members of the student’s IEP team, as determined by the parent and the St. Bernard Parish School District. This group will include St. Bernard Parish School District personnel who know the student.
- Neither the principal nor the authority figure involved in the incident will serve as a member of the committee. They may participate in the meeting to add additional information.

If the decision is that the behavior was related to the student’s disability, the St. Bernard Parish School District, the parent, and relevant IEP Team members will conduct a functional behavioral assessment (FBA) (if one has not already been conducted), and review, modify or develop a behavioral intervention plan (BIP). The student remains in (or returns to) the placement from which the student was removed. The student may also be placed in an interim alternative setting if the St. Bernard Parish School District and the parent agree to a change of placement as part of the behavioral intervention plan is the student’s placement changed.

a manifestation of the student’s disability only if the student:

- brings to or possesses a weapon at school, on school premises or to a school function, or
- knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function, or
- has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. Serious bodily injury implies a life threatening injury.

Parents are notified on the date the decision is made to move the student to an IAES and are reminded of their procedural safeguards. The decision to place a student in an IAES is made by the IEP Team.

The Supervisor of Special Education or designee, and the Supervisor of Child Welfare and Attendance are immediately notified of the results of the Manifestation Determination and placement decision. If the student remains in his current setting, the Functional Behavioral Assessment and the Behavior Improvement Plan are developed and/or revised. If the results of the manifestation determination indicate a placement to an Interim Alternative Setting, an IEP is held in an expedited manner so that the student continues to receive a Free and Appropriate Public Education and is not excluded from his special education services for more than 10 school days. An IEP meeting is reconvened when either the student is mastering his IEP goals and/or when a student is approaching the end of his 45 day of placement in the Interim Alternate Setting. The IEP committee meets with the parent to discuss the student's progress and to plan for the transition back to the previous school setting. An administrator and/or teacher from the previous school must be present at the IEP. The student will return to his previous school setting unless the St. Bernard Parish Schools and the parent agree to a continuation of placement as part of the behavioral intervention plan.

***D. INTERIM ALTERNATIVE EDUCATIONAL SETTING (IAES)
(Section 530)***

A student's placement may be changed to an interim alternative educational setting (IAES) for not more than 45 school days without regard to whether the behavior is

E. APPEALS (Sections 532 and 533)

A parent may appeal the decision regarding the manifestation determination or placement by requesting a hearing. The St. Bernard

Parish School District may request an appeal if they believe that maintaining the current placement of the student is highly likely to result in injury to the student or others. A hearing officer will hear all requests and make a determination. The hearing officer may:

- return the student to the original placement if it is determined that the student's behavior was a manifestation of the student's disability, or
- order a change of placement for the student to an IAES for not more than 45 days if s/he determines that maintaining the current placement is substantially likely to result in an injury to the student or to others.

The parent or the St. Bernard Parish School District has the opportunity for an expeditious impartial due process hearing. The Louisiana Department of Education (LDE) arranges for the expedited due process hearing within 20 days of the receipt of Request for Due Process Hearing. The due process hearing officer has 10 days from the date of the hearing to make a determination.

Prior to a due process hearing, the St. Bernard Parish School District utilizes the early resolution process. This occurs within 7 days of receipt of the Request for Due Process Hearing. If both the St. Bernard Parish School District and the parent agree to a resolution within 15 days of the receipt of the Request for Due Process Hearing, the LDE will not proceed with the hearing. If resolution is not achieved, the LDE shall schedule the expedited due process hearing. Evidence to be considered during the hearing must be disclosed to each party prior to 3 days before the hearing, unless both parties agree otherwise.

During the expedited hearing, the student remains in the IAES setting pending the decision of the hearing officer.

F. PROTECTIONS FOR STUDENTS NOT YET IDENTIFIED WITH A DISABILITY (Section 534)

Discipline regulations and protections apply to students for whom a disability has not yet been identified through *Bulletin 1508* procedures but are known to have or suspected of having a disability prior to the behavior incident. This includes the following circumstances:

- The parent of the student has articulated in writing to the St. Bernard Parish School District or school staff that s/he believes the student is in need of special education and related services.
- The parent of the student has requested an individual evaluation of the student.
- St. Bernard Parish School District or school site staff (e.g., teacher) has expressed concerns to the director of special education or to other supervisory personnel regarding a demonstrated pattern of behavior concerns for the student.

Discipline regulations and protections do not apply to students for whom the parent refused consent for an evaluation and/or refused FAPE through the IEP process, or for students who received a *Bulletin 1508* evaluation and were determined not to be students with a disability under IDEA.

G. LAW ENFORCEMENT INVOLVEMENT

It is not a conflict with the IDEA for the St. Bernard Parish School District to report a student who commits a crime to the appropriate authorities. The St. Bernard Parish School District ensures that copies of the student's special education and disciplinary records are submitted to the appropriate authorities for their consideration in handling the student. The Family Educational Rights and Privacy Act (FERPA) is followed when transmitting records to any other agency.

Critical Questions

DISCIPLINE		
Yes/No/NA	Critical Question	Follow-up
	1. Is there a district-wide discipline plan that focuses on positive behavioral supports?	
	2. Are there school-wide discipline plans that focus on positive behavioral supports?	
	3. Are FBAs conducted on students removed for more than 10 days or for students whose removals have constituted a pattern of removals?	
	4. Are Behavior Intervention Plans (BIPs) developed for all students whose behaviors interfere with their instructional programs or the programs of others?	
	5. Do instructional teams routinely review Behavior Intervention Plans and revise as needed?	
	6. Is FAPE provided to students assigned to ISS settings?	
	7. Is FAPE continued for all students beginning with the 11 th day of OSS removal?	
	8. Are manifestation determinations made when a 'change of placement' is decided?	
	9. Are IEPs updated for students who demonstrate a pattern of acting out behavior or for students recommended for a 'change of placement'?	
	10. Are parents informed of their due process rights related to disciplinary actions taken regarding their child?	

TOPIC 7

EARLY RESOLUTION AND DUE PROCESS

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EARLY RESOLUTION AND DUE PROCESS

The *Louisiana Educational Rights of Children with Disabilities* lists the procedural safeguards that must be assured to students with disabilities and their parents. These procedural safeguards include procedures for resolving disputes, including mediation and Due Process rights. The LDE has outlined procedures to follow when handling both informal and formal complaints regarding the provision of FAPE to students with disabilities.

A. INFORMAL COMPLAINTS

To address *informal* complaints, the St. Bernard Parish School District has implemented an Early Resolution Process (ERP) and identified a local ERP representative (ERPR) to promptly and orderly address complaints and work towards resolutions.

1. Early Resolution Process (ERP) (Sections 151 and 510)

Early resolution provides the St. Bernard Parish School District with an opportunity to resolve informal disputes that arise between parents and the St. Bernard Parish School District related to the identification, evaluation, educational placement, or provision of FAPE to students with disabilities.

When a complaint is received by the St. Bernard Parish School District, the ERPR attempts to resolve the complaint within 15 calendar days and affect a written and signed resolution agreement. An extension beyond the 15 days is taken only if both the St. Bernard Parish School District and the parent agree in writing. A complaint may be filed by a parent, an adult child, or other individual on behalf of the student and may be verbal or in writing. The St. Bernard Parish School District does not require the complaint to be submitted in a written format. As soon as a complaint is received, the ERPR notifies the parent of the timelines for early resolution. If resolution is not achieved within 15 days, the ERPR informs the parent of the other dispute resolution processes available through the LDE (e.g., mediation, Due Process) and notifies the LDE of non-resolution of the complaint. The ERPR maintains a log documenting all complaints received and the resolution outcomes. The above timelines are followed because IDEA requires that resolution of parental complaints occurs within 60 calendar days of receipt of the complaint. The 15 days allotted to the St. Bernard Parish School District affords the LDE

enough time to continue the resolution process in the event the complaint is not resolved at the district level.

Verbal and other informal complaints or allegations received by the LDE are forwarded to the St. Bernard Parish School District's ERPR within 2 calendar days so that the St. Bernard Parish School District has the opportunity to reach resolution on the complaint before the LDE becomes involved.

B. FORMAL COMPLAINTS (Section 153)

The parent, an adult student, or the St. Bernard Parish School District may submit a *formal* written complaint to the LDE if they believe the provision of FAPE has been violated or not provided to a student with a disability. The complaint must be in writing and include statements regarding the alleged violation, specifics regarding the student, the nature of the problem, and any remedies being sought. The alleged non-compliance must have occurred no later than one year prior to the date of the complaint. The parent must send a copy of the complaint to the St. Bernard Parish School District (or to the parent if the St. Bernard Parish School District is filing) at the same time s/he files the complaint with the LDE. If the parent has not previously attempted to resolve the issue through the informal complaint process (i.e., Early Resolution), the LDE refers the complaint to the St. Bernard Parish School District's ERPR who then has 15 days to negotiate a signed written resolution.

If the ERPR is unable to resolve the issue, the LDE has 45 days from the expiration of the ERP process to review the complaint and issue a written decision that addresses any allegations not resolved during the ERP process. The LDE sends a written decision to both the St. Bernard Parish School District and the parent. Any areas of non-compliance are addressed immediately by the St. Bernard Parish School District.

1. Request for Reconsideration

A request for *reconsideration* may be made by the St. Bernard Parish School District or the parent if either feels the LDE has made an error in its decision. This request must be received by the LDE within 10 calendar days of the receipt of the LDE's report and must be in writing. A panel of individuals appointed by the LDE shall have 30 calendar days to review the reconsideration request and make a final written determination. If a request for reconsideration is not received within 10 calendar days of the receipt of the LDE's report, the LDE

decision becomes final. Requests for reconsideration apply only to *formal* complaints, not informal complaints.

C. MEDIATION (Section 506)

Mediation is available to allow the St. Bernard Parish School District and parents to resolve their disputes prior to filing a Due Process complaint. The St. Bernard Parish School District first attempts to resolve disputes through its informal complaint management system, Early Resolution Process (ERP). If the dispute between the parent and the St. Bernard Parish School District continues, either party may ask for mediation. Mediation is voluntary on both parties and is not used to deny or delay a parent's right to a Due Process hearing.

Mediations are conducted by a qualified and impartial mediator who has been trained and assigned by the LDE. The LDE maintains a list of individuals who are qualified mediators and assigns them to disputes on a rotational basis. The cost for mediations is incurred by the LDE.

Decisions that are agreed to and signed by both parties are legally binding. A written, signed mediation agreement is enforceable in any State court of competent jurisdiction or in any federal St. Bernard Parish School District jurisdiction court. Discussions that occur during mediation are confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any Federal court or State court.

D. DUE PROCESS (Sections 508, 510, 513, 516)

A parent, adult student, or the St. Bernard Parish School District may file a request for a Due Process Hearing on disputes related to the identification, evaluation, educational placement or provision of FAPE to a student with a disability. The request for Due Process must be filed within one year of the alleged violation of FAPE.

Due Process requests must be in writing and include the name of the student, home address, name of school, a description of the alleged violation, and a suggestion for remedy. A Due Process Hearing is not held until these requirements are met. If the St. Bernard Parish School District believes the written request for Due Process does not meet these requirements, it notifies the hearing officer assigned by the LDE within 15 days.

Once the St. Bernard Parish School District receives a request for Due Process, it responds in writing to the parent within 10 days with an explanation of the reasons for the actions taken relative to the complaint issues. Within 15 days of receipt of the request for Due Process, the St. Bernard Parish School District schedules a meeting with the parents and relevant IEP Team members to discuss the parents' reason for the Due Process Hearing Request. The purpose of this meeting is to provide the St. Bernard Parish School District an opportunity to resolve the dispute that is the basis for the Due Process Hearing Request. The St. Bernard Parish School District then has 30 days to attempt to resolve the dispute to the satisfaction of the parents. If resolution is not achieved, the actual Due Process Hearing will proceed.

During the Due Process Hearing, both the parents and the St. Bernard Parish School District present documentation from their perspective positions relative to the complaint issues. The LDE appointed hearing officer determines if the student, for whom the Due Process Hearing Request was filed, received or was denied FAPE. Decisions made by the hearing officer are considered final unless either the parent or the St. Bernard Parish School District generates an appeal through a civil action in any State court of competent jurisdiction or in a St. Bernard Parish School District jurisdiction court of the United States. An appeal must be generated within 90 days from the date of the hearing officer's decision.

1. Student Status During Due Process (Section 518)

During Due Process procedures, the student remains in his or her current educational placement as per the IEP in place at the time of the Due Process request unless both the parent and the St. Bernard Parish School District agree to a different placement.

Critical Questions

EARLY RESOLUTION AND DUE PROCESS page 1 of 1

Yes/No/NA	Critical Question	Follow-up
	1. Has the St. Bernard Parish School District identified an Early Resolution Process Representative (ERPR) to address informal complaints?	
	2. Has the St. Bernard Parish School District notified parents of the Early Resolution Process established by the St. Bernard Parish School District?	
	3. Does the ERPR notify parents of the ERP timelines as soon as a complaint is received?	
	4. Does the ERPR attempt to resolve the complaint within 15 days of the receipt of a complaint?	
	5. If resolution is not achieved within 15 days of receipt of a complaint, does the ERPR notify the parent of other dispute resolution processes (e.g., mediation, Due Process)?	
	6. Does the ERPR maintain documentation on all ERP activities?	
	7. Are requests for reconsideration submitted in writing to the LDE within 10 days of receipt of the LDE report?	
	8. Within 10 days of receipt of a request for Due Process, does the St. Bernard Parish School District respond to the parent with an explanation of the actions taken relative to the issues raised in the request for Due Process?	
	9. Does the St. Bernard Parish School District schedule a meeting with the parents within 15 days of receipt of a Due Process request to attempt to resolve the dispute?	
	10. Does the St. Bernard Parish School District implement all decisions from a mediation or Due Process Hearing that are part of the final determination by the hearing officer?	

Critical Questions

EARLY RESOLUTION AND DUE PROCESS page 2 of 2

Yes/No/NA	Critical Question	Follow-up
	11. Does the St. Bernard Parish School District ensure that a student remains in his/her current placement while the Due Process proceedings are taking place?	

TOPIC 8

EXTENDED SCHOOL YEAR

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EXTENDED SCHOOL YEAR

IDEA and *Bulletin 1706* require LEAs to ensure that Extended School Year services are available as needed in order to provide FAPE to students with disabilities. Extended School Year services are special education instruction and related services provided beyond the normal school year to students who meet eligibility criteria.

A. ESY OVERVIEW

Extended School Year (ESY) includes the provision of special education instruction and related services to students with disabilities beyond the normal school year in accordance with an IEP. ESY is designed to be an extension of the regular school year program for students who have a demonstrated need for services. For these students, ESY is necessary in order for the St. Bernard Parish School District to ensure FAPE. ESY services are provided at no cost to the parent.

The need for ESY services is determined individually for each student using criteria established by the SDE. Once a student has been determined eligible for ESY services, the IEP Team is responsible for designing the Extended School Year Program (ESYP).

ESY services are available to all students between the ages of 3 and 21 who have a current *Bulletin 1508* disability classification and current IEP and who meet eligibility criteria. The decision for ESY eligibility is made no sooner than January 1 and no later than the onset of the ESY services for the current school year (i.e., before the ESY Program begins).

Refer ESY handbook or Contact Estelle LeDesma by email for additional information regarding eligibility and local policies for ESY.

B. ESY ELIGIBILITY CRITERIA

The SDE has developed three criteria under which a student may be eligible for an ESYP. These include Regression-Recoupment, Critical Point of Instruction, and Special Circumstances.

1. Regression-Recoupment

The RR criterion is applied to all students with significant cognitive disabilities (e.g., students participating in LAA1) or students who function like students with significant cognitive disabilities. Students at all ages and grade levels, including preschool students, with significant cognitive disabilities are considered under RR. In addition, the RR criterion is considered for *any* student, regardless of disability classification, who has difficulty with the recoupment of previously learned skills or skill components.

When the IEP Team applies the RR criterion to a student who is not an Alternate Assessment student (i.e., LAA 1), it targets specific critical goals and/or objectives on the IEP on which to base the eligibility determination. Data are collected on these goals and/or objectives during the school year to determine if the student has a regression-recoupment problem and, therefore, is in need of an ESYP during the summer.

In applying RR, the IEP Team collects data before and after instructional breaks of at least 5 instructional days. The highest score reached of at least two data points in a two-week period before the break is compared to the highest score reached (of at least two data points) within two weeks after the break. The team uses this data to determine if after a break of 5 non-instructional days, the student fails to regain the performance level s/he had reached before the break.

2. Critical Point of Instruction

All students with disabilities are considered for ESYP eligibility under the Critical Point of Instruction (CPI) criterion. There are two components to CPI: CPI-1 and CPI-2.

CPI-1 is applicable to those students who without the provision of an ESYP are at risk of losing general education class time or increasing special education service time because of a lack of academic or social skill development.

In applying CPI-1, the IEP Team determines that the student is at a critical stage in mastering the general education curriculum and that without ESYP the student will not be able to maintain the current level of services outlined on the regular school year IEP.

CPI-2 is applicable to those students who without the provision of an ESYP are at risk of losing significant progress made during the acquisition, fluency, maintenance, and/or generalization of skills

relevant in the pursuit of critical life areas (i.e., self-help, community access, or social/behavioral skill areas). Behaviors to be considered under CPI-2 include self-injurious, ritualistic, and/or aggressive behaviors that negatively impact the health, well being and/or delivery of instruction to the student.

In applying CPI-2, the IEP Team determines that the student requires an ESYP in order to achieve meaningful benefit in goals related to self-help, community access, or social/behavioral skill areas. The IEP Team determines that the impact of providing ESYP services could enable the student to maintain and/or achieve grade level expectations and/or reduce the loss of skill acquisition, fluency and/or maintenance. Students determined eligible because of behavioral skills should have goals and/or objectives on the IEP to address those behaviors. Documentation considered by the IEP Team includes a description of the behavior, baseline data, copy of the behavior intervention plan (BIP), and when available, a copy of the functional behavior analysis (FBA).

3. Special Circumstances

IEP Teams may choose to apply the Special Circumstances (SC) criterion to students for whom any of the following are applicable:

- *Employment.* A student who is age 16 through 21 is considered for ESYP when there is job performance documentation that indicates the student is in need of support to maintain paid employment. Paid employment means that the student is receiving commensurate/minimum wage or the student has an alternate wage certificate from the Department of Labor that allows the student to be paid at a reduced rate. The IEP Team ensures there are vocational/employment goals and/or objectives on the student's current IEP and that there is a statement from the student's employer indicating his/her intent to employ the student during the summer months and there.
- *Transition.* This Special Circumstance is used to consider students who are transitioning from Early Steps to Part B preschool services and who have spring/summer birthdays. The IEP Team uses performance data related to the Individualized Family Service Plan (IFSP) to determine that the student will fail to maintain performance skills and will regress without benefit of an ESYP.

This Special Circumstance also is used to consider students who are transitioning from school to an adult services outcome. The IEP Team considers students who are expected to exit the St. Bernard Parish School District at the end of the current school

year but still have incomplete action steps and corresponding IEP goals that are the responsibility of the St. Bernard Parish School District. If the student still is in need of services to complete the actions steps, s/he may be eligible for ESY services.

- *Excessive Absences.* The IEP Team uses Excessive Absences to consider a student eligible for ESYP if the student has been absent in excess of 25 days during the school year for health-related conditions and the student was not provided hospital/homebound services. Documentation must be provided to indicate that the student has failed to make projected progress on critical IEP goals and/or objectives and that this failure may have a significant impact on the student's overall educational progress.
- *Extenuating Circumstances.* There may be unusual situations when ESY services are needed but the student does not meet any of the eligibility criteria. The IEP Team uses professional judgment to determine if documentation exists to indicate the student needs ESY in order to receive FAPE or to prevent the student from losing skills that will restrict the student's ability to function as independently as possible in the future.

C. IEP TEAM RESPONSIBILITIES

The IEP Team reviews instructional data collected during the school year and applies the ESY criteria to determine if a student is eligible for ESY services. The IEP Team determines if the student is eligible/ineligible and notifies parents of the decision. Once a student has been determined eligible for ESY services, the IEP Team is responsible for designing the ESYP by completing the ESY form of the IEP document. The ESYP is designed based on the individual needs of the student. The St. Bernard Parish School District does not design one program of a set duration for all eligible students. If the eligibility decision is not made at the time of the IEP Team meeting, then the IEP is amended prior to the start of ESY services to add the specific services to be provided during the ESYP.

All notification requirements for scheduling an IEP are followed in scheduling an IEP to consider ESY services. If the parent is not in attendance at the meeting when eligibility is determined, s/he receives notification of the determination decision and is informed of his/her due process rights and procedures.

Refer to the local policy ESY handbook or Contact Estelle LeDesma by email for additional information regarding eligibility and local policies for ESY.

D. PROVISION OF ESY SERVICES

The St. Bernard Parish School District's special education administration is responsible for scheduling the beginning and ending date options and the days of the week of an ESYP that accommodates each student's ESY needs as outlined on the IEP. Once the IEP Team has determined the specific goals and/or objectives the student needs to address during the ESYP, the St. Bernard Parish School District designs a program that accommodates each student in terms of length of program, location, and transportation. The St. Bernard Parish School District may allow students to remain at an ESY site longer than the time indicated on the ESY section of the IEP due to transportation limitations. In this case, a comment is made on the ESY section of the IEP to indicate this reason.

The St. Bernard Parish School District ensures that ESY instructional staff collects data on student performance during ESY and sends a copy of completed progress reports to parents. The St. Bernard Parish School District determines how often progress reports are completed during the ESYP. However, at a minimum, a progress report will be sent to the parents within ten business days after the completion of ESY. A copy of the completed progress report(s), along with the ESY section of the IEP, is placed in the student's IEP folder.

Once the ESYP for all students has ended, the St. Bernard Parish School District evaluates the ESY program for that summer to determine effectiveness from both the students' and the district's perspectives.

Critical Questions

EXTENDED SCHOOL YEAR SERVICES

Yes/No/NA	Critical Question	Follow-up
	1. Does the St. Bernard Parish School District ensure that all students with disabilities, ages 3 through 21, are considered for ESY services?	
	2. Has instructional staff been trained on the 3 eligibility criteria?	
	3. Does the St. Bernard Parish School District monitor to determine that instructional staff is applying the eligibility criteria correctly?	
	4. Are parents notified of meetings where ESY eligibility determinations are made?	
	5. Is instructional staff collecting data throughout the school year to help in determining the need for ESY services?	
	6. Are parents notified of the ESY eligibility/ineligibility decision?	
	7. Do IEP Teams design individualized ESYPs for eligible students?	
	8. Does the St. Bernard Parish School District schedule an ESYP based on the individual ESY needs of students in terms of length of day and duration (weeks)?	
	9. Does the St. Bernard Parish School District ensure that all support and related services are provided during ESY if indicated on students' IEPs?	
	10. Are progress reports completed and sent home to parents at established intervals?	
	11. Does the St. Bernard Parish School District conduct a program evaluation at the completion of ESYP to determine overall program effectiveness?	

TOPIC 9

SELF-REVIEW PROCESS AND MONITORING

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SELF REVIEW PROCESS AND MONITORING

The LDE is responsible for monitoring the implementation of IDEA and *Bulletin 1706* in all local education agencies (LEAs). IDEA requires the LDE to address regulatory requirements regarding monitoring, enforcement, and state performance plans. Specifically, the LDE must address the following:

- Establishment of requirements for state monitoring, enforcement, and annual reporting.
- Development of a state performance plan.
- Collection of valid and reliable data.
- Use of targets to analyze performance and report annually to the Office of Special Education and Rehabilitative Services.

A. MONITORING OVERVIEW (Sections 601 and 602)

The LDE enforces all federal and state regulations in accordance with *Bulletin 1922, Compliance Monitoring Procedures*. The primary focus of monitoring activities is to improve educational results and functional outcomes for all students with disabilities and to ensure that public education agencies meet program requirements under Part B of the IDEA. The LDE identifies both quantifiable and qualitative indicators that adequately measure performance in the following areas:

- Provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE).
- Disproportionate representation of racial and ethnic groups in special education and related services to the extent the representation is the result of inappropriate identification.
- Exercise of general supervision regarding:
 - Child Find activities
 - Use of resolution meetings and mediation
 - System of Transition services
 - Effective monitoring procedures and practices

B. PERFORMANCE CATEGORIES (Section 603)

Each year, the LDE identifies a list of specific performance indicators on which to collect data for comparative purposes among all local educational agencies. These data are used to develop specific performance profiles for each school district. Annually, the LDE then selects specific ‘focus indicators’ from all of the indicators to determine a district’s performance status.

Once the ‘focus indicators’ are selected, school districts are placed in one of three performance categories within one of four population groups (based on total student population of students in public schools within the district). The performance categories are *Focus*, *Exemplary*, and *Continuous Improvement*.

1. If placed in the *Focus* category, the district receives an on-site compliance monitoring visit to review qualitative data specific to the district’s lowest performing indicator area(s).
2. If placed in the *Exemplary* category, the district receives recognition. The LDE also may conduct an on-site visit to identify ‘Best Practices’ that may be shared with other school districts.
3. If placed in the *Continuous Improvement* category, the district does not receive an on-site visit, but must document and track improvement strategies on the targeted indicator area(s).

In addition to designating some districts to receive an on-site *Focus* visit, some districts may be ‘randomly’ selected for an on-site review. The on-site review for systems designated as *Random* includes a review of a sampling of qualitative indicators from all special education compliance areas.

C. CORRECTIVE ACTION AND SANCTIONS (Section 606)

The LDE notifies a district of the findings of the on-site monitoring visit within 30 days of the submission of the report by the monitoring team. Districts found to have non-compliant areas are required to submit a corrective action plan (CAP) to the LDE. The district develops a plan that outlines activities to address all areas of non-compliance. The plan is implemented within a one-year time frame.

During the one-year time frame, the LDE tracks implementation of the plan and progress made towards compliance. An on-site follow-up visit is conducted to determine if the district has made systemic changes to correct the non-compliant area(s). Within 30 days after the follow-up visit, the LDE issues a report that indicates if the district has resolved all non-compliant areas or if there are any remaining non-compliant findings. If there are any remaining non-compliant findings, the district has 30 days in which to submit additional documentation to demonstrate the deficiencies have been corrected.

At the end of the 30 days, if a district has not submitted sufficient data to indicate that compliance has been met, the LDE begins a process that imposes further corrective action and sanctions on the district. Sanctions are implemented on a continuum based on the number of non-compliant areas and may include:

- The district meets with the LDE to redesign a more effective corrective action plan (CAP). This plan is approved by the LDE and signed by the district's superintendent.
- The LDE requires the district to develop an intensive improvement plan that includes technical assistance. This plan is approved by the district's local school board and published in order to provide the public with information regarding the non-compliant areas and how the district will correct them.
- The district is required to target IDEA part B funds to address the non-compliant area(s). The LDE monitors expenditures to ensure they support the corrective action plan.
- The LDE requires that a special master, monitor, or management team, appointed by the LDE, is assigned to oversee the corrective action plan.
- The LDE determines the need to release IDEA Part B funds to the district on a conditional basis.
- The LDE, with approval from the SBESE, determines to withhold IDEA Part B funds from the district.

D. PERFORMANCE DETERMINATIONS (Sections 604 and 605)

Based on the data received from the districts (as reported on the district's performance profile and the LDE's annual performance report) as well as information obtained through monitoring visits, the LDE makes annual performance determinations of each district. One of four determinations may be made:

- Meets the requirements and purposes of Part B of the IDEA.
- Needs assistance in implementing the requirements of Part B of the IDEA.
- Needs intervention in implementing the requirements of Part B of the IDEA.
- Needs substantial intervention in implementing the requirements of Part B of the IDEA.

1. Needs Assistance

A district receives this determination if it continues to have findings of non-compliance for *two consecutive years*. The LDE may advise the district of available sources of technical assistance, provide or designate experts to assist the district, help the district identify professional development opportunities or research-based instructional strategies/methods of instruction, and/or recommend other approaches such as collaborating with universities, colleges and national technical assistance centers. The LDE may direct the district to use district level IDEA funds to address the area(s)

of non-compliance or even impose special conditions on the district's IDEA Part B funds.

2. Needs Intervention

A district receives this determination if it continues to have findings of non-compliance for *three or more consecutive years*. In addition to the actions outlined for districts who 'Need Assistance', the LDE may take the following actions with districts who 'Need Intervention':

- The district may be required to develop another corrective action plan if the LDE believes the district is able to correct the non-compliant areas within one year.
- If the LDE believes the district cannot correct the non-compliant areas within one year, the district may be required to enter into a compliance agreement.
- For each year of the 'Needs Intervention' determination, the LDE may withhold not less than 20% and not more than 50% of the district's IDEA funds until the district has sufficiently addressed the non-compliant area(s).
- The LDE may take action to seek the recovery of funds.
- The LDE may withhold, in whole or part, any further payments to the district under Part B of the IDEA.

3. Needs Substantial Intervention

At any time, the LDE may determine a district needs substantial intervention to implement the requirements of Part B of the IDEA, or determine there has been a substantial failure by the district to comply with any of the IDEA or LDE eligibility requirements. The following actions may be taken against a district determined to 'Need Substantial Intervention':

- The LDE may take action to seek the recovery of funds.
- The LDE may withhold, in whole or in part, any further payments to the district under Part B of the IDEA.

E. SELF-REVIEW

The St. Bernard Parish School District engages in annual self-review activities. The self-review process is an integral component of the entire monitoring process. Data collected by the St. Bernard Parish School District through the self-review process assists the district in identifying areas of non-compliance. Once these areas are identified, the St. Bernard Parish School District develops a corrective action plan that will result in the required change.

1. Self-Review Activities

The St. Bernard Parish School District adheres to the following when establishing procedures for conducting self-reviews:

- Specific sites are identified for self-review that are consistent with procedures in the LEA application used to identify the number of sites.
- All sites selected provide a cross section of all exceptionalities served as well as a sample of each service delivery model used in the St. Bernard Parish School District.
- A minimum of 5% of the records of students with exceptionalities is reviewed.
- In addition to student record reviews, other methods and strategies for determining compliance are employed (e.g., staff interviews, classroom observations, review of policies and practices, review of district data on specific indicators related to special education, etc.).
- The St. Bernard Parish School District designates a local monitoring team and a monitoring team leader. The team is trained at the local level on procedures and strategies for conducting self-review relative to special education regulatory compliance standards.
- The St. Bernard Parish School District coordinates all self-review activities and ensures that the same regulatory issues monitored by the LDE are included in the local self-review monitoring.
- As part of the self-review process, the St. Bernard Parish School District collects information from families of students receiving special education services regarding their satisfaction with their children's program and services. Data also are collected on the level of involvement of parents in their children's program.

2. Self-Review Summary Report

Once the St. Bernard Parish School District has completed all self-review activities, it analyzes the data and summarizes the findings in a report. The report outlines any areas of non-compliance and includes a corrective action plan to address the noted deficiencies within a timeline for completion. Findings of non-compliance from the Self-Review process are addressed in the LEA's federal application (e grant).

Note: The LDOE is in the process of developing and implementing the Performance Based Monitoring Process (PBM). Please refer to the LDOE website for more information as it becomes available.

Critical Questions

SELF-REVIEW PROCESS AND MONITORING

Yes/No/NA	Critical Question	Follow-up
	1. Does the St. Bernard Parish School District collect data on all indicators identified by the LDE?	
	2. Does the St. Bernard Parish School District conduct Self-Review activities each year using a variety of investigative methods (including reviews of student records)?	
	3. Does the St. Bernard Parish School District establish a Self-Review monitoring team and monitoring team leader each year?	
	4. Does the St. Bernard Parish School District analyze the Self-Review data and summarize it into a report and design a corresponding corrective action plan?	
	5. Does the St. Bernard Parish School District include the Self-Review findings in its LEA Application to the LDE?	
	6. If during the on-site monitoring process, areas of non-compliance are noted, does the St. Bernard Parish School District develop a CAP and implement it within one year from date of on-site monitoring report?	
	7. Does the St. Bernard Parish School District follow all LDE requirements and interventions if it receives a performance determination other than 'Meets Requirements'?	

TOPIC 10

PROCEDURAL SAFEGUARDS

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PROCEDURAL SAFEGUARDS

The *Louisiana Educational Rights of Children with Disabilities* lists the procedural safeguards that must be assured to students with disabilities and their parents. These procedural safeguards outline the rights students with disabilities and their parents have regarding the following:

- Opportunity to examine records.
- Parent participation in meetings.
- Right to an Independent Educational Evaluation.
- Prior notice of actions.
- Notice of procedural safeguards.
- Mediation and Due Process rights.
- Surrogate Parent procedures.
- Transfer of parental rights at the Age of Majority.

A. OPPORTUNITY TO EXAMINE RECORDS (Sections 502, 613, 614, 615, 616, and 617)

A parent has the right to inspect and review any education records relating to his/her child that the LDE or the St. Bernard Parish School District has collected, used and maintained. Requests by parents to inspect records are granted without unnecessary delay (i.e., not more than 45 days after the request). Parents, or their representatives, have the right not only to inspect the records, but also to have an interpretation of the records.

Parents are provided a copy of their child's educational records when requested, if a failure to provide a copy of the records would effectively prevent the parent from inspecting or reviewing the records. A fee to copy records may be charged if the fee does not prevent the parent from exercising his/her right to inspect or review those records.

1. Access and Confidentiality of Records (Sections 614, 615, and 622)

The St. Bernard Parish School District ensures that records on all students with disabilities are kept confidential and are maintained in a secure manner. A parent has a right to access records only on his/her own child. If records contain information on more than one student, the St. Bernard Parish School District ensures the confidentiality of the other students while the parent is inspecting the records. Upon request from a parent, the St. Bernard Parish School District provides

the parent with a list of the types and locations of education records collected, used and maintained on their child by the St. Bernard Parish School District.

An access sheet is placed in the front of any file containing student records. This sheet documents all parties who have reviewed a student's records, the date on which the records were accessed and the reason for the access. Parents and authorized employees of the St. Bernard Parish School District do not have to sign the access sheet each time they access the student's records.

The St. Bernard Parish School District obtains parent approval before releasing personally identifiable information on their child to parties outside of the LDE or the St. Bernard Parish School District who are not involved in the implementation of the IDEA or *Bulletin 1706* regulations. If a student has reached the age of majority, then consent by the student is obtained before releasing information. Parent consent is required before releasing information on students who are enrolled or going to enroll in a private school that is not located within the St. Bernard Parish School District or where the parent resides.

2. Amending Records (Section 618)

A parent may request that their child's education records be amended if s/he believes inaccurate or misleading information is contained in the records or that information in the records violates the privacy of the student. Within a reasonable time period, the St. Bernard Parish School District reviews the request and determines whether or not to amend the records. If the request is denied, the St. Bernard Parish School District notifies the parent and advises him/her of the right to a local hearing.

At the hearing, the St. Bernard Parish School District may determine that the parent is correct in requesting the information be amended and amend the information accordingly. The parent would be notified in writing of the favorable decision. If, however, the hearing decision is that the parent's request is unfounded (i.e., information is not inaccurate or misleading), the parent is informed of his/her right to place a statement in the student's records that outlines the reasons for disagreeing with the St. Bernard Parish School District's decision. This statement becomes a part of the student's record for as long as the specific information is contested.

B. PARENT PARTICIPATION IN MEETINGS (Sections 301 and 502)

Parents of students with disabilities participate in meetings related to the identification, evaluation, and educational placement of their children. Prior written notice is provided to parents in a timely manner to ensure parent participation. The St. Bernard Parish School District documents its efforts to include parents in meetings and explores other ways parents can provide input in addition to attending a meeting. Parents do not have to be invited to meetings where instructional team members meet to discuss the routine delivery of instruction and instructional strategies, or when the team reviews student daily progress.

Once a student has been identified as a student with a disability and an IEP has been developed, the placement decision may be made without the parent if the St. Bernard Parish School District has been unable to obtain the parent's input. Documentation of all efforts to obtain parent participation and input is maintained by the St. Bernard Parish School District.

C. RIGHT TO AN INDEPENDENT EDUCATIONAL EVALUATION (Section 503)

Parents are entitled to an independent educational evaluation if they disagree with the evaluation conducted by the St. Bernard Parish School District. The St. Bernard Parish School District provides the parent information about where an IEE may be obtained and informs him/her that the IEE will be conducted without cost to the parent. Once the St. Bernard Parish School District agrees to the parent's request, the St. Bernard Parish School District ensures that an IEE is conducted.

If the St. Bernard Parish School District disagrees with the request (i.e., determines its evaluation is appropriate), a Due Process Hearing request is filed with the LDE. If the final hearing decision supports the appropriateness of the St. Bernard Parish School District's evaluation, the parent still has a right to an IEE but not at the St. Bernard Parish School District's expense. If the hearing decision upholds the request for an IEE, it must be provided at no cost to the parent.

At no time does the St. Bernard Parish School District require the parent to indicate the reason(s) why s/he objects to the St. Bernard Parish School District's evaluation. The St. Bernard Parish School

District may make inquiries, but cannot force the parent to indicate his/her reason(s). A parent is entitled to only one IEE at public expense each time the St. Bernard Parish School District conducts an evaluation.

If an IEE is conducted, the St. Bernard Parish School District determines if the IEE meets *Bulletin 1508* criteria. If so, the results of the IEE are *considered* by the St. Bernard Parish School District whether it was conducted at no cost to the parent or the parent paid for the IEE.

D. PRIOR NOTICE (Section 504)

Parents are given prior notice of actions to be taken by the St. Bernard Parish School District regarding the provision of FAPE or changes in the identification, evaluation, or educational placement of their children **or** the refusal to initiate identification, evaluation, or educational placement of their children. This notice is in writing in a language/mode understandable to the parents and provided in a timely manner to ensure parent participation. It contains the following:

- A description of the proposed action and the reason for the action.
- A description of the evaluation procedure, assessment, record, or report the St. Bernard Parish School District used in making the decision for the proposed action.
- A reminder to the parents of their procedural safeguards and how the parents may obtain more information regarding the safeguards.
- A description of other options the IEP Team may have considered and why they were rejected.

Documentation of prior notices to parents is maintained by the St. Bernard Parish School District/school.

E. NOTICE OF PROCEDURAL SAFEGUARDS (Section 505)

The *Louisiana's Educational Rights of Children with Disabilities* is given to the parent of a student with a disability at least one time per school year, usually at the IEP update meeting. It also is given to the parent upon initial referral for evaluation and whenever the parent files a complaint or Due Process Hearing Request with the LDE.

The *Louisiana's Educational Rights of Children with Disabilities* lists the procedural safeguards the LDE and, therefore, the St. Bernard Parish School District must assure. They relate to the following:

- Independent educational evaluations (IEE).
- Prior written notice.
- Parental consent.
- Access to education records.
- Opportunity to present and resolve complaints through the Due Process procedure.
- Availability of mediation.
- Student placement during Due Process period.
- Procedures related to interim alternative educational setting (IAES) placements.
- Unilateral placement by parents of students in private schools at public expense.
- Hearings on Due Process Hearing requests.
- Civil actions.
- Attorney's fees.

The *Louisiana's Educational Rights of Children with Disabilities* is provided to parents in a language/mode understandable to the parents.

F. MEDIATION (Section 506) AND DUE PROCESS RIGHTS (Sections 507 through 518)

1. Mediation

Mediation is available to allow the St. Bernard Parish School District and parents to resolve their disputes prior to filing a request for a Due Process Hearing. The LDE recommends that the St. Bernard Parish School District first attempt to resolve disputes through its informal complaint management system, Early Resolution Process (ERP). If the conflict between the parent and the St. Bernard Parish School District continues, either party may ask for mediation. Mediation is voluntary on both parties and is not used to deny or delay a parent's right to a due process hearing.

Mediations are conducted by a qualified and impartial mediator who has been trained and assigned by the LDE. The LDE maintains a list of individuals who are qualified mediators and assigns them to disputes on a rotational basis. The cost for mediations is incurred by the LDE.

Decisions that are agreed to and signed by both parties are legally binding. A written, signed mediation agreement is enforceable in any

State court of competent jurisdiction or in any federal jurisdiction court. Discussions that occur during mediation are confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any Federal or State court.

2. Due Process

A Due Process Hearing request may be filed by either a parent or the St. Bernard Parish School District on disputes related to the identification, evaluation, educational placement or provision of FAPE to a student with a disability. The request for Due Process must be filed within one year of the alleged violation of FAPE. The St. Bernard Parish School District is obligated to inform parents of any free or low-cost legal services that may be available to assist them in preparing for the Due Process Hearing.

G. SURROGATE PARENTS (Section 519)

A surrogate parent is assigned to a student when:

- no parent can be identified,
- the St. Bernard Parish School District cannot locate the parent,
- the student is a ward of the State, or
- the student is an unaccompanied homeless youth.

The St. Bernard Parish School District has procedures established to determine whether a student needs a surrogate parent and a process for assigning a surrogate parent within thirty (30) days of determining the student needs one. The St. Bernard Parish School District assigns individuals as surrogate parents as long as they are not an employee of the LDE, the St. Bernard Parish School District or other agency involved in the education or care of the student. The St. Bernard Parish School District guarantees that these individuals do not have any personal or professional interests that conflict with the best interests of the student and that they possess skills necessary to adequately represent the student. A staff member of an emergency shelter or transitional shelter may be assigned temporarily to be a student's surrogate parent until a regular surrogate parent is assigned.

H. TRANSFER OF PARENTAL RIGHTS AT THE AGE OF MAJORITY (Section 520)

A student with a disability reaching the age of majority, as defined by the State (i.e., age 18), is afforded those rights guaranteed under Part B of the IDEA. Unless a student has been interdicted or the subject of a tutorship legal proceeding, all rights under Part B of the IDEA shall

transfer to the student. Both the parent and the student receives prior notice that when the student turns 18, these rights shall transfer to the student. This requirement also applies to students who are incarcerated in a juvenile or adult correctional facility.

A parent may allege that the student lacks the ability to provide informed consent with regard to his/her educational program. The student has the right to dispute this claim either orally, in writing, or by another method of communication. If this is the case, the student retains all rights. If the student does not object to the parent's request, the parent shall retain the student's educational rights.

Critical Questions

PROCEDURAL SAFEGUARDS page 1 of 2
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Yes/No/NA	Critical Question	Follow-up
	1. Are parents of students with disabilities provided a copy of the <i>Louisiana's Educational Rights of Children with Disabilities</i> booklet at least one time each school year?	
	2. Are parents allowed to review their children's education records and/or provided a copy of those records?	
	3. Is there an access sheet in front of any file or folder containing information on a student with a disability?	
	4. Are all special education records maintained in a secure and confidential manner?	
	5. Are there procedures in place to consider parents' requests to amend student records?	
	6. Do parents participate in meetings related to the provision of FAPE for their children?	
	7. Are parents always involved in placement decisions unless the St. Bernard Parish School District has been unable to obtain the parent's input?	
	8. Are parents informed of their rights to an IEE and the procedures for obtaining one?	
	9. Are parents provided prior notice of all meetings related to the identification, evaluation, and educational placement of their children?	
	10. Is mediation an available option to resolve disputes?	
	11. Are parents advised of their Due Process rights when disputes cannot be resolved?	
	12. Are Due Process timelines followed?	

Critical Questions

PROCEDURAL SAFEGUARDS page 2 of 2
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Yes/No/NA	Critical Question	Follow-up
	13. Is a surrogate parent assigned when necessary?	
	14. Do educational rights transfer to students who are 18 years of age or older?	

TOPIC 11

ASSURANCES

The St. Bernard Parish School District makes specific assurances with regard to the design, implementation, and monitoring of programs, supports and services to students with disabilities. In addition, the St. Bernard Parish School District asserts that all local policies, procedures and practices are in alignment with these following assurances.

The following assurances have been adopted by the governing authority of the local educational agency (LEA), and are considered as the operating policies and procedures for the St. Bernard Parish School District. The St. Bernard Parish School District is responsible for maintaining documentation to support the implementation of these assurances.

1. **FREE APPROPRIATE PUBLIC EDUCATION [1412 (a)(1)]:** The LEA assures that a free appropriate public education is available to all children with disabilities residing within the jurisdiction of the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.
2. **FULL EDUCATION OPPORTUNITY AND GOAL - [1412(a)(2)]:** The LEA assures that full educational opportunities will be provided to all children with disabilities, aged birth through 21, by the year 2010.
3. **CHILD FIND [1412(a)(3)]:** The LEA assures that Child Identification activities are conducted in accordance with Bulletin 1706: Regulations for Implementation of the Children with Exceptionalities Act.

The LEA further assures that the Special Education Records (SER) data base is maintained as the primary tracking system for all activities pertaining to special education to include all required elements in the initial request, screening, pre-evaluation, evaluation, reevaluation, IEP/placement, supplemental and instructional services segments. The SER information is kept current and operational. A copy of the Child Search Report form will be submitted to the Division of Special Populations no later than June 30.

4. **INDIVIDUALIZED EDUCATION PROGRAM [1412(a)(4)]:** The LEA assures that all procedures for the development and implementation of the Individual Education Program/Placement process detailed in Bulletin 1530 Louisiana IEP Handbook for Students with Disabilities are followed.

The LEA also assures that all transition services are provided as detailed in the Bulletin 1530 Louisiana IEP Handbook for Students with Disabilities.

The LEA further assures that it uses the Extended School Year Services Handbook for determining student eligibility and for designing and conducting the ESY Program.

5. **LEAST RESTRICTIVE ENVIRONMENT [1412(a)(5)]:**The LEA assures that children who are disabled are educated to the maximum extent appropriate with their non-disabled peers and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Students with disabilities are afforded placements that assure physical, social, and academic integration with non-disabled peers. The LEA further assures that all policies and procedures for the development and implementation of the Individual Education Program/Placement process detailed in Bulletin 1706: Regulations for Implementation of the Children with Exceptionalities Act are followed.

6. **PROCEDURAL SAFEGUARDS [1412 (a)(6)]:** The LEA assures that it has established and that it maintains procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (FAPE). The LEA assures that the procedures include all procedural safeguards contained Bulletin 1706: The Regulations for the Implementation of the Children with Exceptionalities Act.

The LEA further assures that each of its prior notification letters meets State requirements.

Additionally, the LEA assures that it utilizes the most current edition of the Louisiana Educational Rights of Children with Exceptionalities in Public Schools as required, to notify children with disabilities and their parents of all procedural safeguards available to them.

7. **EVALUATION [1414(a) - (c)]:** The LEA assures that, all evaluations conducted for children suspected of being exceptional and reevaluations of children receiving special education services are conducted in accordance with Bulletin 1508, The Pupil Appraisal Handbook.

8. **CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION** Bulletin 1706:are adopted and implemented as required and that these same policies and procedures also apply to the electronic transfer of any educational records among educational agencies.

The LEA also assures it has appointed a Confidentiality Designee who is responsible for coordinating all confidentiality requirements.

The LEA further assures that it will conduct an annual inservice training session on confidentiality requirements for all educational personnel in the system who collect or use personally identifiable information.

9. **TRANSITION FROM PART C TO PRESCHOOL - [1412(a)(9)]:**

1. The LEA assures that it has adopted and that it implements procedures to ensure that children who participate in early intervention programs assisted under Part C and who will participate in Part B preschool programs will experience a smooth and effective transition to those preschool programs in a manner consistent with Section

1437 (a)(8). An individualized education program will be developed and implemented for the children prior to their entry into Part B preschool programs.

2. The LEA also assures that children are offered FAPE on or prior to their third birthday.
10. CHILDREN IN PRIVATE SCHOOLS [1412(a)(10)]: The LEA assures that, to the extent consistent with their numbers and needs, provision is made for children with disabilities residing in its jurisdiction, enrolled by their parents in private schools, to participate in programs assisted with IDEA funds. The LEA further assures that the amount expended for the provision of services is equal to a proportionate amount of the IDEA funds made available to the LEA.
11. GENERAL SUPERVISION [1412 (a)(11)]: The LEA has designated a director or supervisor (position/title) to be responsible for the general supervision of identification, location and evaluation activities/services for students who are suspected of being disabled and for the provision of FAPE to students with disabilities within the LEA's jurisdiction.
12. INTERAGENCY AGREEMENT [1412(a)(12)]: The LEA assures that interagency agreements essential to full compliance for the provision of a free appropriate public education (FAPE), including adequate fiscal and human resources, are developed, signed, and implemented as needed. The LEA assures that each interagency agreement has been designed to achieve or accelerate the achievement of FAPE for all exceptional children. Nothing in any such agreement may be construed to reduce assistance available or to alter eligibility.
13. PERSONNEL DEVELOPMENT [1413(a)(3)]: The LEA assures that an ongoing program for personnel development is implemented and updated periodically to improve the knowledge and skills of personnel employed to provide special educational services.
14. PERSONNEL STANDARDS [1412 (a)(15)]: The LEA assures that qualified personnel, as identified by SBESE adopted policies and procedures, including personnel requirements established in Bulletin 746: Louisiana Standards for State Certification of School Personnel are employed to provide special education programs and services to children and youth with disabilities under Part B of IDEA.
15. PERFORMANCE GOALS AND INDICATORS [1412(a)(16) and 601(d)]:
The LEA assures that it has established goals for the performance of children with disabilities in the LEA to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and to prepare them for employment and independent living; to ensure that the rights of children with disabilities and parents of such children are protected; and to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting (a) systemic-change activities, (b) coordinated research and personnel preparation, (c) coordinated technical assistance, (d) dissemination of information, (e) support, and (f) technology development and media services.

The LEA further assures that it has established performance indicators the system will use to assess progress toward achieving those goals that, at a minimum, address the performance of children with disabilities on assessments, drop-out rates, and graduation rates. Based on its assessment of that progress, the LEA will develop its Application to improve its performance and will ensure the effectiveness of efforts to educate children with disabilities.

16. **PARTICIPATION IN ASSESSMENT [1412(a)(17)]:** The LEA assures that all students with disabilities in grades 3-11 will participate in statewide and St. Bernard Parish School District wide assessment. In calculating the subgroup component for a school, the alternate achievement standards for students participating in LAA will be used, provided that the number of students who score at the proficient or above does not exceed 1.0 percent of all students assessed in English/Language Arts and in Mathematics.
17. **SUSPENSION AND EXPULSION [1412(a)(22)]:** The LEA assures that data concerning suspensions and expulsions will be kept and reviewed to determine whether significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities when compared to such rates for non-disabled children or among local educational agencies in the state [105:17 §1412(a)(22)].
18. **DISCIPLINARY INFORMATION/RECORDS [1413(j)]:** The LEA assures that all procedures for the transfer of a child's records from one school to another will include both the child's current individualized education program and any statement of current or previous disciplinary action that has been taken against the child as detailed in [20 U.S. C. 30(1413)(j)].
19. **SCHOOL WIDE PROGRAM UNDER TITLE I OF THE ESEA [1413(d)]:** The LEA assures that for any fiscal year, if IDEA funds are used to carry out a School wide program under Section 1114 of the Elementary and Secondary Education Act of 1965, funds used in any such program shall not exceed the number of children with disabilities participating in the School wide program; multiplied by the amount received by the LEA for that fiscal year; divided by the number of children with disabilities in the jurisdiction of the agency.
20. **CHARTER SCHOOL [1413(a)(5)]:** The LEA assures that children with disabilities enrolled in Charter Schools that are public schools within the local education agency are served in the same manner as children with disabilities are served in its other schools, and that the LEA provides IDEA funds in the same manner as it provides those funds to its other schools.
21. **PROGRAM ADMINISTRATION**
The LEA assures that a comprehensive monitoring of its special educational services is conducted on an annual basis to determine compliance with all applicable Federal, State and local statutes, regulations, and procedures; and that all areas related to the provision of a free and appropriate public education (FAPE) are included.

The LEA further assures that its internal monitoring is based on the following minimum guidelines:

Frequency	Sites Selected	Records Per Site
Annually	33.3% each year	5%

22. The LEA assures that all school personnel, including principals and teachers as well as other service providers, receive written notice of non-compliant issues determined through the internal monitoring process. The written notice will include the corrective action required to correct the deficiencies indicated in the report. The LEA further assures that all corrective actions are monitored on a comprehensive and continuous basis to ensure the implementation of the corrective action. The LEA superintendent will receive a written report of deficiencies as well as reports regarding follow-up and implementation of corrective action.
23. The LEA understands that forms used for collecting and recording information may be forms issued by the SDE, which can be modified to meet local requirements, or forms developed by the local system. The LEA assures that the instrument used include all compliance issues included in and applicable to Federal and State statutes, regulations and procedures, including local procedures.
24. The LEA assures that findings in internal monitoring are used to set priority Performance Goals/Indicators and Performance Targets/Strategies in the annual application; to develop a needs assessment of staff development priority needs; and to serve as a reference in the school improvement plans in local schools.
25. EXCESS COST [1413(a)(2)(A)(I)]: The LEA assures that it uses funds provided under the IDEA only for the costs that exceed the amount computed under 1401(7) or approved alternate formula and that are directly attributable to the education of children with disabilities. The regulations require that the most recent expenditures [which are available] for the education of children with disabilities be used in verifying that IDEA funds are used for the excess costs of educating children with disabilities. A copy of the IDEA EXCESS COST VERIFICATION FORM will be submitted to the Division of Education Finance.
26. NON-SUPPLANTING [1413(a)(2)(A)(ii)]: The LEA assures that funds provided under the IDEA are used to supplement and, to the extent practicable, increase the level of Federal, State and local funds expended for the education of children with disabilities and in no case to supplant Federal, State and local funds. A copy of the IDEA NON-SUPPLANTING VERIFICATION FORM will be submitted to the Division of Education Finance.
27. ALIGNMENT WITH STATE POLICIES AND PROCEDURES: The LEA assures that no later than sixty (60) days after the SBESE has established implementation date of the State's regulations, policies and procedures, it will revise all local policies and procedures to make them consistent with the IDEA.