

SPECIAL EDUCATION AND RELATED SERVICES FOR ELIGIBLE STUDENTS

The district recognizes that students whose disabilities adversely impact educational performance and who require specially designed instruction have potential for improving educational performance when they receive special education and related services tailored to fit their needs.

Each eligible special education student in the district will be afforded a full education opportunity. This goal will be met consistent with the state's goals through ensuring the provision of a free appropriate public education, complying with state and local procedures, and improving performance goal indicators.

The district shall comply with state and federal requirements for special education. The superintendent or designee shall develop procedures consistent with state and federal laws and rules to implement the following:

1. Free appropriate public education;
2. Confidentiality of personally identifiable information;
3. Identification, evaluation, eligibility and reevaluation;
4. Participation in assessments;
5. Development of individualized education program (IEP) and placement;
6. Participation in regular education, least restrictive environment (LRE);
7. Procedural safeguards;
8. Parent participation;
9. Transition from Part C to Part B services for preschool children;
10. Private school students unilaterally placed by parents;
11. Staff qualifications and personnel development; and
12. Program administration and evaluation.

The superintendent or designee shall develop procedures to implement this policy, as directed by federal regulations (34 CFR 300.220). This policy and procedures shall be consistent with the state's special education regulations and filed with the Office of the Superintendent of Public Instruction.

Not all students with disabilities are eligible for special education services. The needs of each student will be addressed individually and provided appropriate accommodations or modifications required under § 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, and the Washington laws against discrimination.

Mediation or Resolution Agreements

The board authorizes the superintendent or designee to bind the district to a mediation or resolution agreement.

Free Appropriate Public Education (FAPE)

The district shall provide all eligible students with disabilities ages three through twenty-one with a free appropriate public education which consists of special education, necessary related services, and supplemental aids and services, provided:

1. At public expense, under district supervision and direction;
2. In compliance with the standards of the state educational public agency;
3. To include preschool, elementary, and secondary, educational opportunities; and,
4. In conformity with an individualized education program (IEP) which meets the requirements of special education rules.

Such educational and support services may extend beyond the traditional 180-day school calendar year if necessary to provide an individual eligible student with a free appropriate public education.

Confidentiality of Personally Identifiable Information

In addition to complying with the district's policies and state and federal law on the confidentiality of all student records, the superintendent is directed to develop procedures to implement confidentiality requirements that are consistent with state special education rules.

This includes informing parents of students or eligible students of their right to confidentiality, at least annually, through appropriate notice.

Identification, Evaluation, Eligibility and Reevaluation

Childfind

The district shall develop and implement awareness and screening activities for the purpose of locating, identifying and evaluating all resident students enrolled in school or not who are suspected of having disabilities and are in need of receiving special education and related services. These procedures shall encompass students ages birth through twenty-one regardless of the severity of their disability who reside in the district, including those attending public and private agencies and institutions, and religious schools.

The district's procedures shall also include methods for conducting Childfind activities including methods to determine which students are not currently receiving needed special education and related services. The procedures shall include methods to locate students who are highly mobile and students suspected of being a student with a disability and in need of services even though they are advancing from grade to grade. Childfind procedures shall be developed in consultation with appropriate representatives of private school students.

Evaluation and Eligibility

The district shall develop evaluation procedures that are consistent with state and federal requirements, including: referral, evaluation methods and timeline(s), areas of evaluation, periodic review, evaluation safeguards, reporting and documenting the determination of eligibility and independent educational evaluation.

The district recognizes the developmentally delayed category for eligible students ages three to six. The superintendent shall develop procedures for implementation of this eligibility category.

Reevaluation

The district shall develop reevaluation procedures that are consistent with state and federal requirements, including general requirements, purposes, notice of results, procedures for appropriate identification and classification, and procedures for determining continuing or additional needs for special education and related services.

Development of IEP and Placement

Development of IEP

The district shall develop procedures for implementing the IEP requirements for each student that are consistent with state and federal regulations, including methods for updating each IEP at least annually and appropriate inclusion of eligible students in local and state assessment programs.

Placement

The district shall develop procedures for implementing state and federal requirements regarding the delivery of special education services including: least restrictive environment, nonacademic and extracurricular services, alternative service delivery options placement considerations and annual review, initial placement, evaluation of IEP, preschool services, district initiated placements, transition of preschool students from Part C to Part B services, and placements paid for at public expense.

The district shall also develop procedures to determine the services provided to students unilaterally placed in private schools by their parents. The procedures shall include consultation with appropriate representatives of private school students to determine the number of unilaterally placed students, the needs of students and their location, so that it can be decided which students will receive services, what services will be provided, how and where services will be provided and how services will be evaluated.

Certificate of Attendance (COA)

In order to participate in commencement exercises, students must have met the minimum criteria for graduation prior to the date of the exercise and otherwise be in good standing with their school through the commencement date. Minimum criteria for participation may be adjusted for students with an IEP whose disabilities have impacted their opportunity to accumulate credits. The district shall permit any student who is receiving special education or related services and who will continue to receive services between the ages of 18 and 21 to participate in the district graduation ceremony after four years (9th, 10th, 11th, 12th grades) of high school attendance.

In lieu of a diploma, the district shall provide the student with a certificate of attendance. Receiving the certificate of attendance does not preclude a student from continuing to receive special education and related services according to the individualized education program and completing courses in pursuit of a diploma or the certificate of individual achievement.

Receipt of a certificate of attendance is not equivalent to receipt of the high school diploma or a certificate of individual achievement.

The superintendent shall establish procedures for development and distribution of the certificate of attendance.

Procedural Safeguards

The district shall develop procedures for implementing procedural safeguards for parents and students consistent with state and federal requirements that include notice relating to: informed parental consent, assessment (protection in evaluation procedures), confidentiality, and opportunity to examine records, prior notice, independent educational evaluation, impartial due process hearing, surrogate parents, discipline, attorney's fees, mediation and citizen complaints.

Personnel Development

The district recognizes the importance of a qualified staff in delivering appropriate educational services to special education students. The superintendent shall develop procedures for the implementation of a district plan for hiring and staff development for administrators, teachers and support personnel. Such a plan shall be complementary to the statewide plan for Comprehensive System of Personnel Development, which includes:

1. The in-service training of general and special educational administrative, instructional and support personnel to insure that they are appropriately and adequately prepared and trained;
2. Effective procedures for acquiring and disseminating to teachers and administrators of programs for special education students significant information derived from educational research, demonstration, and similar projects; and
3. Procedures for adopting promising practice.

Program Administration and Evaluation

Program Administration

The district shall develop procedures for implementing the administrative requirements contained in state and federal regulations including: full educational opportunity, public control, use of funds including excess cost, nonsupplanting and maintenance of effort, comparable services, information reports and records, public participation, transportation, program coordination, construction and comparability of facilities, program length, health or safety, transition to preschool, aversive interventions, disciplinary exclusions, and citizen's complaint process.

Evaluation

The district shall develop procedures for updating, at least annually, the effectiveness of individualized education programs in meeting the educational needs of special education students, including parent/family involvement in the evaluation process. Students eligible for special education and related services shall be re-evaluated every three years in accordance with state and federal requirements.

Cross References:

Policy 2162	Education of Students with Disabilities under Section 504
Policy 3231	Student Records
Policy 3241	Classroom Management, Corrective Actions or Punishment
Policy 3247	Required Notification of Isolation or Restraint of Students with IEPs or Section 504 Plans

Legal References:

RCW 28A.600.485	Restraint of students with individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 – Procedures – Definitions
RCW 28A.600.486	District policy on use of isolation or restraint – Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973
RCW 28A.605.020	Parents' Access to Classroom or School Sponsored Activities
RCW 28A.155	Special Education
RCW 49.60	Law against Discrimination
WAC 392-172A	Rules for the Provision of Special Education
20 U.S.C. 1400 et seq.	Individuals with Disabilities Education Improvement Act of 2004
42 U.S.C. 12131-12133	Americans with Disabilities Act of 1990
28 CFR Part 35	Nondiscrimination on the Basis of Disability in State and Local Government Services
34 CFR Part 99	Family Education Rights and Privacy Act (FERPA)
29 U.S.C. 794	Section 504 of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 794
34 CFR Part 104	Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance
34 CFR Part 300	Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children with Disabilities
34 CFR Part 303	Early Intervention Program for Infants and Toddlers with Disabilities

Management Resources:

<i>Policy News</i> , December 1999	Rule Adoption Leads to Special Education Policy
<i>Policy News</i> , June 2007	Graduation Ceremonies for Special Education Students
<i>Policy News</i> , December 2007	Updated Special Education Policy and Procedure
<i>Policy Alert</i> , June 2011	

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Tahoma School District