

Referral to the Committee on Special Education

January 11, 2010

CSE/CPSE Process

- Referral/Parent notice and consent
- Evaluation
- Eligibility Recommendation/IEP
- Implementation
- Annual Review
- Reevaluation

Referral for Initial Evaluation

Section 200.4 (a)(1)

- A student suspected of having a disability shall be referred in writing.
- A referral may be made by:
 - Student's parent as defined in section 200.1 (ii), or
 - Designee of the school district, or
 - Commissioner, or designee of a public agency with responsibility for the education of the student, and/or
 - Designee of an education program affiliated with a child care institution with CSE responsibility

Referral for Initial Evaluation continued

- Date of Receipt is the date received by the Committee Chairperson or Principal, whichever is earliest
- If received by Chairperson, he/she must notify the building Principal within 5 school days.
- If received by the building administrator, it shall be forwarded to the Committee Chairperson immediately
- Chairperson immediately notifies parent of referral and requests consent to evaluate.

Withdrawal of Parent/District Referral

Section 200.4(a)(7-9)

- The Principal may request a meeting with the parent to determine whether the student would benefit from additional general education support services such as an alternative to special education
- The meeting must occur within 10 school days
- The parties may agree to withdraw the referral
- Withdrawal must be documented in writing, and include a description of additional general education services, instructional strategies and student centered data to be collected, and proposed duration of such program
- Copy to parent and placed in student's cumulative education record file

Request for Referral of Initial Evaluation

- A written request that the school district or agency refer the student for initial evaluation may be made by:
 - Professional staff member of the school district in which the student resides, public or private school the student legally attends or is eligible to attend;
 - Licensed physician;
 - Judicial Officer;
 - Professional staff member of a public agency with responsibility for welfare, health or education of children; or
 - Student who is 18 years of age or older, or an emancipated minor, who is eligible to attend the public schools of the district

Procedures

Section 200.4(a)(2), 200.4(a)(9)

- State reasons for referral, test results, records or reports, services, interventions used to remediate, extent of parental contact (exception of student and/or judicial officer)
- When a written request is received by the building administrator or any other employee of the school, it must be forwarded to the CPSE/CSE Chairperson immediately upon its receipt.

Procedures continued...

- Offer an opportunity to meet with the parent to discuss the request for referral and as appropriate, the availability of appropriate general education support services for the student.
- The meeting may include:
 - Building administrator or designee of the school district authorized by the district to make the referral;
 - The student, if appropriate;
 - The party making the request for the referral if a professional staff member of the school district; and
 - Upon request of the parent or school district, any other person making a request for referral must have the opportunity to attend such meeting.

Procedure for initial referral continued

- Upon receipt of the request for referral, the district must within 10 school days either;
 - Request parent consent to initiate the evaluation; or
 - Provide the parent with a copy of the request for referral; and
 - Inform the parent of his or her right to refer the student for an initial evaluation; and
 - Offer the parent the opportunity to meet.

Request for Referral

Special Considerations

- Consideration of Special Factors:
 - Adequate instruction
 - English Language Learners (ELL) Limited English Proficient (LEP) needs
 - Cultural Ethnic Factors
 - Other mode of communication or assistive technology needs

Procedural Safeguards

Section 200.5(f)

A copy of the Procedural Safeguards Notice must be given to the parents of a student with a disability;

- At least one time per year and also upon:
- Initial referral or parent request for evaluation
- First filing of due process complaint notice to request mediation or a impartial due process hearing
- Decision to impose a suspension or removal that constitutes a disciplinary change in placement
- Parent request for a copy
- Receipt of the parent's first State complaint in a school year

Consent

section 200.5(b)

- Document attempts to obtain written informed parental consent and responses received
- If the parent does **not** give consent for evaluation within 30 calendar days
 - Offer informal meeting to explain/discuss
 - For school age BOE may request an impartial hearing to pursue the evaluation
 - For preschool, home-schooled, or student placed by parent in a private school, no further action is required.

Surrogate Parents

- BOE shall select a surrogate parent from a list of individuals who are eligible and willing to serve
- To ensure that rights of students are protected if:
 - No parent can be identified
 - The school district after reasonable efforts, cannot discover the whereabouts of a parent, or the student is an unaccompanied homeless youth
 - The student is a ward of the state and does not have a parent, or the rights of the parents have been subrogated

Confidentiality

- **Part 300** of the Federal Regulations that implement IDEA regarding confidentiality
- Section 200.5 (e) Confidentiality of personally identifiable data
- **FERPA**- Family Educational Rights and Privacy Act
 - Disclosure and transfer of educational records
 - Parent right to review and request amendments to records
- Maintaining confidentiality is the responsibility of every team member!

Individual Evaluation

- Definition Section 200.1 (aa)- “Means any procedures, tests or assessments used selectively with an individual student, ...”
- Must include a variety of assessment tools and strategies, including information provided by the parent to gather;
 - Functional, developmental and academic information about the student; and
 - Information related to enabling the student to participate and progress in the general education curriculum or age appropriate activities.

Initial Individual Evaluation

- Must include at least:
 - A physical exam
 - An individual psychological evaluation, except when a school psychologist determines after an assessment of a school-age student, that further evaluation is unnecessary
 - A social history
 - An observation of the student in the student's learning environment, and
 - Other appropriate assessments, evaluations, including a functional behavioral assessment, or others as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities

Initial Evaluation

- Must be completed
 - Preschool: within 30 school days of receipt of consent to evaluate
 - School age: within 60 calendar days of receipt of consent to evaluate, unless:
 - Student enrolls in a different school after relevant timeframe has begun and/or the parent and district agree to another timeframe
 - The parent of a student repeatedly fails or refused to produce the student for the evaluation
 - Parent and district agree to extend timeline when a child is suspected of having a learning disability

Meeting Notice

Section 200.5 (c)

- Provided whenever a committee proposes to conduct a meeting related to the development or review of a student's IEP or provision of FAPE (free appropriate public education)
- Parent must receive Meeting Notice in writing at least 5 calendar days prior to the meeting
- The notice must indicate (the purpose, date, time, location, names and titles of persons expected to attend)
- The parent has the right to:
 - participate as a member,
 - be accompanied by individuals with knowledge or expertise of his/her child,
 - to request in writing that the school physician attend
 - to decline in writing, the participation of the parent member

Eligibility Determination

School-Age

- Upon review of evaluation data:
 - Current skill levels including strengths and skill delays
 - Impact of disability on participation in general education curriculum

Supports required in order for student to participate in general education/appropriate activities

Provide a copy of the evaluation report and documentation of eligibility to the parent

Eligibility Determination

- Determining factor for classification **cannot** be:
 - Lack of appropriate instruction in reading
 - Lack of appropriate instruction in math
 - Limited English proficiency

LD eligibility has special requirements (200.4(j))

Classifications

Section 200.1 (zz)

- Autism
- Deafness
- Deaf-Blindness
- Emotional Disturbance
- Hearing Impairment
- Other Health Impairment
- Orthopedic Impairment
- Multiple Disabilities
- Speech Language Impairment
- Traumatic Brain Injury
- Visual Impairment
- Learning Disability
- Mental Retardation

The Individualized Education Program (IEP) is the Cornerstone of the Special Education Process

- Identifies how the resources of the school need to be configured to support the student's needs
- Provides an accountability tool
- Ensures a strategic approach to address a student's needs
- Guides the provision of instruction designed to meet a student's needs
- Supports participation in the general education curriculum and learning standards
- Identifies how the student will be prepared for adult living

Chairperson's IEP Responsibilities

- To preside over the meeting of the committee at which IEP's are developed
- To ensure that there is an IEP in place at the start of each year
- To obtain written parental consent for the initial provision of special education or 12 month services
- To distribute the IEP and ensure individuals are informed of their responsibility to implement the IEP

The IEP

- This is a legal document it includes:
 - Academic achievement, functional performance, and learning characteristics
 - Social Development
 - Physical Development
 - Management Needs
 - Measurable Annual Goals/Post-Secondary Goals
 - Programs (10 month-12month)
services/supports/assistive technology
 - Test accommodations/program modifications

IEP continued

- Participation in assessments
- Continuum of placement
- Participation with non-disabled students
- Language other than English exemption
- Special Transportation
- Transition services/planning
- Diploma options

Amendment

- After the annual review, the district and parent may agree to change the IEP without holding a meeting.
- Proper documentation is required and distribution of the updated IEP is necessary

Types of Meetings

- Initial
- Program Review
- Annual Review
- Re-evaluation

State Performance Plan Indicators

- The Office of Special Education Programs (OSEP) and The United States Department of Education (USDOE) have established a six year state performance plan with 20 indicators. Each State has established measurable targets and improvement activities for a six year period of time.
- Indicators submitted to date;
 - #12 Percent of children referred from CPSE to CSE
 - #13 Transition Plans
 - #14 Post-Secondary Outcomes
 - #7 Preschool Outcomes (social emotional, knowledge, etc.)
 - Current year #8 Parent Survey