



Keystone Learning Services

Special Education Process Handbook

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Child Find

K.A.R. 91-40-7(d) Each board, at least annually, shall provide information to the public concerning the availability of special education services for exceptional children, including child find activities conducted by the board.

- Keystone Learning Services provides a written notice published in the parent or students handbooks or calendars published each year in the inter-local schools of Keystone Learning Services.
- Notice includes information about Child Find and the availability of special education and related services.

K.A.R. 91-40-7(e) Each board shall adopt and implement policies and procedures to identify, locate, and evaluate all children with exceptionalities residing in its jurisdiction, including children with exceptionalities who meet any of the following criteria: (1) Attend private schools; (2) are highly mobile, including migrate and homeless children; or (3) are suspected of being children with disabilities even though they are advancing from grade to grade.

1. No private schools currently exist in Keystone Learning Services inter-local area.
2. Notices with dates, times and contact information are posted throughout the community (school buildings, doctors offices, health departments, local newspapers, notes are also sent home with elementary students, etc.) a screening is being held. District at-risk and NEK-Cap Head Start staff will receive the same information. Screenings will be held monthly and will rotate through each of the seven school districts at least once a year. Children will be screened at any of screenings if they reside within the Keystone Learning Services seven school districts.
 - Individual screenings are arranged as needed when it is not feasible for a child to attend a scheduled clinic in the near future.
 - When referrals are made for a child under the age of three.
3. Keystone Learning Services early childhood staff (children two and under are screened by the Keystone Learning Services Tiny K program and three four, and five, who are not yet in school, are screened by the Keystone Learning Services Early Special Education program). Nurses from Jefferson and Atchison Health Departments also staff the screenings. Screenings include standardized nationally recognized screening tools: cognitive development; physical development, including health and nutrition, motor, vision, and hearing; communication development; social or emotional development; and adaptive development. Referrals are made to appropriate services if warranted.

The General Education Intervention process is utilized for screening school-aged children. Individual student state assessment and all district wide assessment scores are reviewed to ensure they are making progress towards proficiency. Any student who is not demonstrating growth will enter the general education intervention process described in GEI/MTSS section of this manual. Please refer to this area for specific information.

The staff for children (infants, toddlers, early childhood or school age) will make a referral for an initial evaluation if the results of the screening indicate a potential developmental delay or disability.

The director of special education will retain documentation of the all-public notices, including dates, locations and which organizations attended.

Birth to Age Three Services

Infant and Toddler Services (birth-36 months) are provided by Northeast Kansas Infant Toddler Services a division of Keystone Learning Services. The following services are provided by Tiny-K: screenings, evaluations, and services for infants and toddlers. This program is designed for families and professionals who have a concern about an infant or toddler's development. All of the children enrolled must live in Jefferson or Atchison Counties to receive services at no cost to the family. Referrals may be made for additional support and services outside of the Tiny-K program such as Early Childhood Mental Health Consulting, Early Head Start, Child Find, etc.

Coordinating meetings with Part C and Part B are held every other month to identify children being served by Part C that will potentially need an initial evaluation under Individuals with Disabilities Education Act (IDEA). In addition, the Tiny-K director will provide the school psychologist responsible for coordinating early childhood evaluations with a list of children that are receiving Part C services that will be turning age 3 within the next 90 days on a monthly basis to ensure that evaluations are completed by the child's third birthday. All children who fail the screening will be immediately referred for an initial evaluation.

Early Childhood Services

Services for children ages 3 to the start of Kindergarten are provided by Keystone Learning Services. Services may be itinerant: taking place in a student's home or childcare provider's place of business (must be within the boundaries of Keystone Learning Services Inter-local). Classroom services are also provided. Type of services and location are determined by the Individual Education Plan (IEP) team based upon the principles of Least Restrictive Environment. This is based on the individual student's needs.

Evaluation and Eligibility

Initial Evaluation 91-40-7(c)

Keystone Learning Services requires that there be data-based documentation collected by the general education intervention team before an evaluation is deemed necessary. In situations when extensive data-based documentation exists (e.g., medical reports of a specific medical condition) that demonstrates the student has needs beyond what is available in general education it is appropriate to make a referral for initial evaluation without conducting general education interventions so not to delay appropriate special education services. For preschool children, the referral may be a result of the screening.

For students that have been within the district general education intervention process, data-based documentation indicating a need for referral is provided to the school psychologist. If the only concern is communication skills the referral is made to the speech pathologist. Student specific documentation includes (1) documentation showing the student was provided appropriate instruction in regular education setting delivered by qualified personnel, (2) the results of frequent progress monitoring assessment that reflect the impact of the intervention, (3) evidence as to how intervention results were shared with the student's parent(s), and (4) the completed referral form for initial evaluation, including the progress monitoring data, is provided to the school psychologist/speech pathologist.

Any request by a parent for an initial evaluation of their child will be directed to the building principal. The building principal informs parent(s) that the request needs to be made in writing. In addition, the principal informs the parent of general education intervention process used in the building to determine the supports required by individual students to meet their academic and behavioral needs. In situations where the parents insist the initial evaluation begin immediately and the school agrees, the general education intervention process will be conducted concurrently with the initial evaluation in order to provide information needed in the eligibility determination process.

For students that transfer into the district after an initial evaluation has begun in the previous district, the student's prior school will be contacted as soon as possible to obtain completed assessments information to aid in the prompt completion of the evaluation. K.S.A. 72-986(c)(4)

At the time of referral for initial evaluation, the parents will be provided with a copy of the Procedural Safeguards by the principal/school psychologist. K.R.A. 91-40-26(d)(1)

Re-evaluations

A re-evaluation of each exceptional student must be completed at least once every three years or sooner if the student's parents, teachers, or Individual Education Plan Team request it. Before completing the re-evaluation the team must determine whether additional information is necessary. If determined more information is necessary the

team will gather the data and then meet. Otherwise, the team meets and uses current data to compile a re-evaluation report.

Notice and Consent (K.S.A. 72-986(b))

Parents will be provided the Prior Written Notice form describing the proposed initial evaluation and asked to provide consent for the school to conduct the initial evaluation.

In conducting all evaluations a variety of age and culturally appropriate assessment tools will be used to ensure that the child is appropriately assessed in all areas of suspected exceptionality. These assessments procedures will provide academic, developmental and functional data that assist in determine eligibility and Individual Education Plan (IEP) development. No single assessment will be used to make eligibility determinations. All instructions are technical sound and administered by appropriately trained staff in accordance with instructions provide by the test publisher. They are provided and administered in the language and form most likely to yield accurate information on what the child knows and is able to do academically, developmentally and functionally, unless it is not feasible to so provide or administer.

Eligibility (K.S.A. 72-9886(e))

The evaluation team, including the parent of the child, use the data collected to determine whether the student has exceptionality and the need for special education services and related services. In making this determination the team must consider exclusionary factors: lack of instruction in reading and math, limited English proficiency, or the student does not otherwise meet the eligibility criteria as a child with an exceptionality. Additional conditions apply to determining that a child is a child with a specific learning disability. Upon making the determination the team must write an eligibility report and the documentation of determination of eligibility.

Positive Behavior Supports/Behavior Intervention Plans/Functional Behavior Assessments

Positive Behavior Supports

Individuals with Disabilities Education Act (IDEA) requires that schools develop positive behavior supports for students that deter the learning of self or others. Preventing the development and lessening the intensity of problem behavior is a high priority of teachers seeking to maximize student learning and the impact of effective interventions. In context of other initiatives and interventions across classroom and non-classroom settings, the possibility of improving student academic and social behavior outcomes can become a reality for all students.

Positive Behavior Supports (PBS) emphasizes four integrated elements:

- (a) data for decision making;
- (b) measurable outcomes supported and evaluated by data;
- (c) practices with evidence that these outcomes are achievable and;
- (d) systems that efficiently and effectively support implementation of these practices.

Functional Behavior Assessment (FBA)

Problematic behaviors are not just related to the student. Behaviors have a purpose (function) and are maintained in environments that support them. The function of a behavior must be determined in order to guide students toward more appropriate behaviors. A comprehensive *Functional Behavioral Assessment* (FBA) can help an Individual Education Plan Team determine whether or not seclusion might be an effective behavioral intervention strategy. An FBA is a way to gather information about when, where, how and why problematic behavior occurs.

A functional assessment is required, by law (34 CFR 300.530(f)(1)(i)), when a student has reached the maximum 10 days of suspension or expulsion during a school year. However, a functional assessment can be useful in developing effective Individual Education Plan goals and behavior plans.

Behavior Intervention Plan (BIP)

Behavior Intervention Plans (BIPs) should focus on positive interventions as determined by a Functional Behavior Assessment (FBA) and should include teaching socially-appropriate and acceptable replacement behaviors. The goal should be to help students learn and practice better alternatives. According to Dr. Tim Lewis, OSEP Center on Positive Behavioral Interventions and Supports, "Behavior is functionally related to the teaching environment." Therefore, environmental issues should always be considered. Factors such as setting, behavioral and academic expectations, and/or adult and peer relationships may contribute to undesirable behavior issues. Environments should be

modified- the physical setting, curriculum, presentation style, and the interaction of others.

Seclusion and Restraint

The Kansas State Board of Education has adopted a set of guidelines for the use of seclusion rooms and/or restraints on children with disabilities. Seclusion in a room or location where a student is purposefully isolated from others and prevented from leaving the area. Seclusion is the most restrictive form of timeout. Public schools are required to report quarterly on the use of seclusion for special education students. According to Kansas Seclusion/Restraint Guidelines, a student is considered to be in seclusion when 1) *placed* in an enclosed area by school personnel, 2) *purposefully isolated* from other adults and peers **and** 3) *prevented* from leaving the room. Regardless of what the room is called, if the use of the room meets these three criteria it is considered seclusion.

Seclusion can be most effective when:

1. The “time-in environment” is valued by the child and removal from that environment is seen as a negative consequence;
2. The procedure is implemented consistently by trained staff;
3. The procedure is perceived as fair by staff, parents and children with rules of seclusion agreed upon in advance; and
4. There is constant monitoring of the use of seclusion and adjustments are made as necessary.

A child with a disability should not be subjected to mechanical restraint. "Mechanical restraint" means any device or object used to limit a person's movement. "Physical restraint" means bodily force used to substantially limit a person's movement.

A school employee *may* use physical restraint on a child with a disability only if the child's behavior presents an imminent risk of harm to self or others. “Imminent risk of harm" means an immediate and impending threat of a person causing substantial physical injury to self or others.

Make sure you are trained and certified.

- Know your school policy.
- If you have questions, ask, ask, ask...
- Self assess motivation.
- Be sure of imminent danger to self(student) or others.
- Use the least restrictive hold.
- Do not become emotionally involved.
- Process with student following restraint.
- Notify all proper individuals.
- Document.

Discipline

Short term Suspension

Federal and state laws permit school personnel to suspend a child with a disability, including a short term suspension or interim alternative setting, for no more than 10 days. This determination is subject to review through due processing proceedings like any other student suspended. School officials should be addressing the issues regarding the student's suspensions prior to reading the 11th day.

Long term Suspension/Expulsion

When the total number of school days of suspension in a school year reaches 11, and the current removal is for not more than 10 consecutive school days and is not a change of placement, the school must begin providing education services beginning on the 11th day of suspension. The student must be provided special education and related services that allow the child to:

- Participate in the general education curriculum
- To progress toward meeting the goals set out in the child's Individual Education Plan (IEP)

Building administration should contact the appropriate Keystone administrator and school psychologist to set up a meeting prior to reading the 11th day of suspension.

Manifestation Determinations

If it is determined that the child's behavior is a manifestation of the child's disability the child **cannot** be subject to a long-term removal for the behavior; however the school and parents could agree to another setting. This meeting must take place as soon as possible, but not more than 10 school days after the date when the decision was made to take disciplinary action. It must be completed before the school's hearing officer conducts the discipline hearing.

The school could request a due process hearing officer to order a 45 school-day interim alternative educational setting if the school district can show that maintaining the current placement is substantially likely to result in injury to the child or others. If the Behavior was not a manifestation of the disability the district may proceed with suspension and expulsion proceedings. An appropriate alternative educational placement is to be for not more than 186 days.

Discipline Incidents Involving Weapons, Drugs or Dangerous Behavior

School officials may remove a child with a disability to an interim alternative educational setting for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability for the following reasons:

- if the child carries a weapon or possesses a weapon at school (must meet the state definition of weapon)

- knowingly possessed or used illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function (must meet the state definition)
- has inflicted serious bodily injury upon another person while at school, or on school premises, or at a school function (must meet the state definition)