

UINTAH SCHOOL DISTRICT

SPECIAL EDUCATION POLICIES AND PROCEDURES

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This Policy and Procedures Manual ensures the implementation of special education services in Uintah School District. It is to be used in coordination with the Utah State Board of Education Special Education Rules – August 2007. It is further to be used in coordination with the Utah State Office of Education Special Education Specific Learning Disabilities, Least Restrictive Behavioral Interventions, Caseload, and Graduation Guidelines.

TABLE OF CONTENTS

I. GENERAL PROVISIONS (USBE SER I).....3

II. IDENTIFICATION, LOCATION, and EVALUATION of STUDENTS
SUSPECTED of HAVING DISABILITIES.....5

III. IEP DEVELOPMENT and SERVICE DELIVERY.....23

IV. PROCEDURAL SAFEGUARDS.....37

V. LEA ELIGIBILITY and RESPONSIBILITIES.....45

I. GENERAL PROVISIONS (USBE SER I)

A. Policies and Procedures.

Uintah School District, in providing for the education of students with disabilities enrolled in its school, has in effect policies, procedures, and programs that are consistent with the Utah State Board of Education Special Education Rules (USBE SER) as described in this Policies and Procedures Manual.

B. Definitions.

1. Uintah School District has adopted all of the other applicable definitions as found in USBE SER I.E.1-44.

C. Budget Information and Categories.

Uintah School District provides detailed budget information and budget categories in its annual application for IDEA Part B funding submitted to the Utah State Office of Education.

D. Assurances.

Students are admitted to Uintah School District in accordance with District policies and without restrictions due to race, color, gender, national origin, disability status, or religion. Assurances with regard to compliance with IDEA Part A and Part B, as well as the National Instructional Materials Accessibility Standard, and compliance with other Federal laws including “New Restrictions on Lobbying,” “Debarment, Suspension, and Other Responsibility Matters,” and the Drug-Free Workplace Act of 1988 are submitted to the Utah State Office of Education (USOE) annually with the application for IDEA Part B funding.

E. General program description.

Uintah School District is located at 635 West 200 South, Vernal, Utah. Uintah School District is comprised of 12 elementary and secondary schools from throughout Uintah County, Utah. Uintah School District has an enrollment of 6652 students. The Utah Core Curriculum is the foundation for the curriculum in all grade levels, with basal and supplementary materials used for daily instruction in classrooms.

F. Free Appropriate Public Education (FAPE).

1. Free appropriate public education (FAPE). (USBE SER I.E.15)
Special education and related services that:
 - a. Are provided at public expense, under public supervision and direction, and without charge;
 - b. Meet the standards of the USOE and Part B of the IDEA;
 - c. Include preschool, elementary school, and secondary school education in Utah; and
 - d. Are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of Part B of the IDEA and these Rules.

G. Full Educational Opportunity Goal.

Uintah School District hereby affirms the goal of providing a full educational opportunity to all students with disabilities determined eligible for special education or special education and related services under the IDEA and the USBE SER, between the ages of three and 22, and in accordance with all of the timeline requirements of the IDEA with respect to the identification, location, evaluation, and provision of a free appropriate public education.

II. IDENTIFICATION, LOCATION, and EVALUATION of STUDENTS SUSPECTED of HAVING DISABILITIES

A. Child Find. (USBE SER II)

Uintah School District has policies and procedures to ensure that all students with disabilities between the ages of three and 22, and those attending private schools, including students who are highly mobile, students who have been suspended or expelled from school, home schooled students, students who have not graduated from high school with a regular high school diploma, and those who are suspected of being a student with a disability and who are in need of special education or special education and related services even though they are advancing from grade to grade, and regardless of the severity of the disability, are identified, located, and evaluated. This includes a practical method for determining which private school students are currently receiving needed special education or special education and related services.

B. Child Find Procedures.

Uintah School District conducts the following procedures to ensure that students suspected of having a disability are identified and located:

1. Finding students who have been receiving needed special education or special education and related services.
 - a. The enrollment application includes questions about whether a student has received special education or special education and related services in the previous school or educational program.
 - b. Parents are asked during registration if the students received any services beyond the regular program in the previous school.
 - c. If parents respond in the affirmative, a phone contact is made with the previous school to locate the special education records.
 - d. Uintah School District follows all the procedures detailed on the In-State and Out-of-State Transfer Student Checklist of the USOE.

2. In identifying and locating students who are suspected of having a disability but have not been previously identified or determined eligible for special education or special education and related services, Uintah School District implements the following procedures:
 - a. Annual training of staff on the Child Find obligation and how to be alert for observed behaviors that suggest a suspected disability.
 - b. Notice in student and/or parent handbooks of the referral procedures and of the availability of services for eligible students with disabilities.
 - c. Notice on the District Website of the referral procedures and of the availability of services for eligible students with disabilities.
 - d. Annual notice in District Newsletters of the referral procedures and of the availability of services for eligible students with disabilities.
 - e. Annual notice in local newspapers of the referral procedures and of the availability of services for eligible students with disabilities.
 - f. Annual consultation with private schools concerning the identification of eligible students with disabilities.
3. Uintah School District collaborates and coordinates with the Part C Early Intervention Provider, through an interagency agreement aligned with the Part C to Part B statewide interagency agreement of the USOE to ensure that students with disabilities are identified, located, evaluated, and have FAPE available by age 3, if eligible.

C. Referral.

1. Procedure.

When a parent or staff member suspects a student may have a disability, the following referral procedure is implemented:

- a. Teachers implement research-based and/or peer-reviewed interventions and provide documentation of the results on the Student Intervention Profile to be reviewed by a school

team which includes a general education teacher, the building principal, and others as necessary.

- b. Note: Interventions may not be used to substantially delay an evaluation for eligibility.
- c. The referring person completes and signs a referral form. If school personnel are making the referral, attach documentation of contacts with the parents about the concerns regarding the student's educational performance.
- d. The Student Intervention Profile, accompanying data, and the referral form are given to the principal, who reviews this existing data on the student and determines if the referral should go forward for a full evaluation. This review of existing data and evaluation determination is conducted in collaboration with the Special Education Coordinator. If it is decided that the evaluation should take place, the principal assigns a staff member to oversee/conduct the evaluation. If the referral is not going to result in a full evaluation, the principal and the assigned case manager send the parent a written prior notice of refusal to take the action of conducting an evaluation.

D. Evaluation.

1. Parental Consent.

Prior to initiating a full and complete individual evaluation, parental consent is required. The consent informs the parent that the evaluation is being proposed because the student is suspected of having a disability that affects his educational performance and that he/she may be eligible for special education or special education and related services. The consent indicates the areas in which the evaluation team will conduct tests or administer other assessment tools to the student. Consent for evaluation must not be construed as consent for provisions of special education services.

Reasonable efforts to obtain parental consent are made and documented by the school. Uintah School District follows the requirements of USBE II.C.4 with respect to parents who cannot be located.

Parental consent is not required before administering a test or other evaluation that is given to all students, or before conducting a review of existing data.

2. Written Prior Notice.

The parent is given Written Prior Notice that the evaluation will take place. (See Section IV.C of this Policy and Procedures Manual for required components of Written Prior Notice.) Written Prior Notice is embedded in the Uintah School District Consent for Evaluation form.

3. Evaluation Timeline.

When the signed parental consent or refusal of consent for evaluation is received at the school, the assigned case manager/special education teacher writes the date it was received on the form to document the beginning of the timeline for the evaluation. Uintah School District completes all evaluations within 45 school days of receiving the consent. The 45 school day timeline does not apply if the parent fails to produce the student for the evaluation. If the student enrolls in Uintah School District after the timeframe has started in a previous LEA, Uintah School District must make sufficient progress to ensure prompt compliance in accordance with an agreement with the parent as to when the evaluation will be completed.

4. Evaluation Process.

a. Review of Existing Data.

When conducting an initial evaluation (when appropriate), the evaluation team considers existing data on the student's educational performance. This may include student records of grades, courses completed, statewide test results, LEA-wide test results, classroom assessments, teacher interviews, observations, notes in the student's cumulative file, and any other information available.

b. Administration of Additional Assessments.

In addition, the special education staff administers assessments in other areas as part of a full and individual initial evaluation, as indicated on the Consent for

Evaluation, in order to determine eligibility and the student's educational needs. The test administration follows all of the requirements of the USBER SER II.F-H, including:

- Use of a variety of assessment tools
- Use of more than one procedure
- Use of technically sound instruments
- Selection of tools that are not discriminatory on a racial or cultural basis
- Administration in student's native language or mode of communication
- Use of assessments for the purposes intended and in accordance with the publisher's administration standards
- Administration by trained and knowledgeable personnel
- Use of tools that assess what they purport to measure and not just the student's disability
- Assessment in all areas related to the student's suspected disability
- Comprehensive assessment, not just in areas commonly associated with the specific disability

c. Evaluation Requirements.

Evaluations for students suspected in each of the 13 areas of disability include the requirements for evaluation procedures and assessment of student performance in specific areas identified in USBE SER II.J.1-13.

E. Reevaluation Procedures. (USBE SER II.G)

1. Uintah School District conducts a reevaluation of each student with a disability when the educational or related services needs, including improved academic achievement and functional performance, of a student warrant a reevaluation; or if the student's parent or teacher requests a reevaluation.
2. Parental consent for reevaluations.
 - a. Uintah School District obtains informed parental consent prior to conducting any reevaluation of a student with a disability, if the reevaluation includes the administration of additional assessments to the student.

- b. If the parent refuses to consent to the reevaluation, the LEA may, but is not required to, pursue the reevaluation by using the consent override procedures provided in the procedural safeguards, and including mediation or due process procedures.
 - c. The reevaluation may be conducted without parental consent if the school can demonstrate that it made reasonable attempts to obtain such consent and the student's parent has failed to respond. A written record of the attempts is maintained in the student's special education file.
- F. Additional Requirements for Initial Evaluation and Reevaluation Procedures. (USBE SER II.H)
- 1. As part of any initial evaluation (if appropriate) and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must review existing evaluation data on the student. This review may be conducted without a formal meeting. The special education teacher/case manager may review and discuss the existing data with team members and the parent individually. Existing data may include evaluations and information provided by the parents of the student; current classroom-based, local or State assessments, and classroom-based observations; observations by teachers and related services providers; grades; attendance, and other information regarding the student's current educational performance.
 - 2. The IEP team and appropriate other qualified professionals, based on their data review and input from the student's parents, identifies what additional data, if any, are needed to determine whether the student is or continues to be a student with a disability and the educational needs of the student, and
 - a. The present levels of academic achievement and related developmental needs of the student;
 - b. Whether the student needs special education and related services; or, in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
 - c. Whether any additions or modifications to the special education and related services are needed to enable the

student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

3. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine continuing eligibility and student needs, the parents are given Written Prior Notice of that decision and of their right to request additional assessment. Uintah School District then prepares a new Summary Report and Eligibility Determination, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Summary Report and Eligibility Determination form is completed and signed by the team, and the parents are given Written Prior Notice of that determination along with a copy of the Summary Report and Eligibility Determination documents. Written Prior Notice is embedded in the Summary Report and Eligibility Determination document.
4. If the parent requests additional assessment as part of the reevaluation, Uintah School District conducts assessment in the areas of educational functioning requested. When the additional assessment is completed, Uintah School District then prepares a new Summary Report and Eligibility Determination, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Summary Report and Eligibility Determination form is completed and signed by the team, and the parents are given Written Prior Notice of that determination along with a copy of the Summary Report and Eligibility Determination documents. Written Prior Notice is embedded in the Summary Report and Eligibility Determination document.
5. Evaluations before change in eligibility.
 - a. Uintah School District evaluates students with disabilities before determining that students are no longer eligible for special education or special education and related services. However, an evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular diploma, or due to the student's reaching age 22, as provided under State law.
 - b. For a student whose eligibility terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for FAPE under State

law, Uintah School District provides the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals.

6. Parental consent is not required before:
 - a. Reviewing existing data as part of an evaluation or a reevaluation; or
 - b. Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

G. Evaluation Timelines.

1. An initial evaluation must be completed within 45 school days of the date the school receives parental consent for the evaluation.
2. Upon completion of the evaluation or reevaluation, the IEP team and other appropriate professionals determine eligibility within a reasonable time.
3. A reevaluation:
 - a. May not be conducted more than once a year, unless the parent and the LEA agree otherwise; and
 - b. Must occur at least once every three (3) years, unless the parent and the LEA agree that a reevaluation is unnecessary.

H. Eligibility Determination.

1. Notice of Meeting.

Upon completion of the evaluation, the special education teacher (case manager) arranges a meeting of the eligibility team at a mutually agreeable time and place. A Notice of Meeting will be sent to the parent and other members of the team stating the meeting purposes, time, place, who is expected to be in attendance, and letting the parent know that they may bring others who have knowledge of the student to the meeting.

2. Evaluation Summary Report.

The special education case manager in collaboration with a school psychologist collects all of the results of the evaluation and writes a summary report of the evaluation information. This Evaluation Summary Report is part of the Uintah School District's Eligibility Determination document for each disability category.

3. Eligibility Team Membership.

The eligibility team shall include a group of qualified professionals and the parent. In Uintah School District, this may include the principal, special education teacher, general education teacher, speech-language pathologist, school psychologist, occupational therapist, physical therapist, and others who have conducted parts of the evaluation, as appropriate.

4. Eligibility Categories, Definitions, and Criteria.

The Uintah School District has adopted the definitions, evaluation requirements, and eligibility criteria in USBE SER.II.J.1-13.

- a. For the category of Specific Learning Disability (SLD), Uintah School District has selected Method A: A process based on the student's response to scientific, research-based intervention (RTI). Uintah School District will refer to the elements outlined for Method A of the USOE Guidelines for SLD. If a student is referred by a parent or staff member, Uintah School District follows all of the procedures of the USBE SER and this Manual for referral and initial evaluation.
- b. An RTI approach is used for all students suspected of having a Specific Learning Disability in Uintah School District. This includes students who are not achieving adequately for the student's age or State-approved grade-level standards, or are not making adequate progress toward the grade level expectations in one or more of the areas of specific learning disability - oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem solving. Parents are informed of the right to request an evaluation for eligibility at any time if they suspect their student has a disability, and of the State's policies regarding the amount and nature of student

performance data that will be collected, the general education services that are provided, and strategies for increasing the student's rate of learning. Documentation that parent received this information is in the student's file.

c. RTI is defined as “the practice of providing high-quality instruction and intervention matched to student needs and using learning rate over time and level of performance to make important educational decisions.” (NASDSE, 2006, p. 5) Prior to use of the data from a response to scientifically based intervention as part of eligibility determination of SLD, RTI should be fully implemented as an instructional practice within the school.

d. Uintah School District relies upon the following RTI Core Principles:

- 1) We can effectively teach all children.
- 2) Intervene early (because it is more efficient than waiting until problems become severe).
- 3) Use a multi-tiered model of service delivery.
- 4) Use a problem-solving method to make decisions within a multi-tiered model.
- 5) Use research-based, scientifically validated interventions/instruction to the extent available.
- 6) Use data to make decisions.
- 7) Use assessment for three different purposes (screening, diagnostics, and progress monitoring).

(National Association of State Directors of Special Education, Inc., “Response to Intervention Policy Considerations and Implementation,” 2006.)

e. Uintah School District RTI Core Components.

- 1) Uintah School District provides high quality, research-based instruction delivered by qualified staff in the general education setting. The foundation to any RTI or multi-tiered approach is dependent upon a strong core curriculum. This is often referred to as Tier 1. Uintah School District has adopted state-approved core curriculum materials at all grade levels.
- 2) Uintah School District utilizes assessment of student performance that specifically includes universal screening and progress-monitoring.

- a) Universal screening is a brief, reliable and easy-to administer schoolwide assessment. The screening consists of probes that are aligned to the core curriculum and state academic standards. These screenings typically are conducted three times a year - fall, winter, and spring. The purpose of universal screening is to determine which students have achieved benchmark skills (data norms for classroom, grade, school and/or district) for the grade and time of year.
 - b) Progress-monitoring is ongoing assessment that provides the objective data to determine which students are making adequate progress toward a specific goal and benefiting from the current instruction. These data assist with the decision to continue, modify, stop, or begin a different instructional intervention. Students are progress monitored weekly, biweekly, bimonthly or monthly, depending on the intensity of the intervention that is being provided. Sufficient data should be gathered to reliably determine progress.
- 3) Uintah School District utilizes multiple tiers of research-based interventions to address individual student difficulties. Some students will need supplemental interventions that are aligned to the core curriculum in order to achieve at a proficient level. A few students will need more intensive interventions aligned to the core curriculum. Uintah School District has identified research-based supplemental and intensive interventions, often referred to as Tiers 2 and 3. Specific decision rules are used to determine when a student needs supplemental or intensive intervention based on progress-monitoring data.
 - 4) All schools communicate regularly with families. Families are provided information that describes the multi-tiered process so they understand that students will receive instructional supports based on their instructional needs. Progress-monitoring data is shared with families on a regular basis so they are aware of their child's performance and progress in the general curriculum.

5) Uintah School District system supports include leadership, problem-solving teams, data management systems, coaching and collaboration, professional development, and measures of fidelity in place to ensure effective implementation. Schools implementing RTI understand that effective instructional practices depend on the availability of a variety of system supports. System supports facilitate collaboration within grade levels, content areas, and across the school; the effective use of data for decision making; and ongoing professional learning. System supports also ensure that instructional programs and interventions are used with fidelity (i.e., implemented in the manner in which they were intended for the desired results to be achieved).

f. Uintah School District RTI Data-Based Decision Making.

At the core of a multi-tiered or RTI process is making data-based decisions using a problem-solving process. The problem-solving process provides educators with a consistent, step-by-step process to identify academic or behavioral problems, select interventions, and evaluate the effectiveness of interventions.

Uintah School District utilizes the following decision-making process:

- 1) Define the Problem: Describe using objective, measurable terms.
- 2) Problem Analysis: Collect information from multiple sources and settings.
- 3) Implement Plan: Design, implement, and monitor progress.
- 4) Evaluate: Review data and make modifications as necessary.

g. Informing Parents.

Uintah School District involves parents at all phases of the RTI program. When included in the decision-making process, parents can provide a critical perspective on students, thus increasing the likelihood that RTI interventions will be effective. For this reason, schools must make a concerted effort to involve parents as early as possible, beginning with instruction in the core curriculum. This can be done through traditional methods such as parent-teacher

conferences, regularly scheduled meetings, or other methods.

Criteria for determining SLD require that parents be:

- Notified about the state’s policies regarding the amount and nature of student performance data that would be collected, general education services that would be provided, strategies for increasing the student’s rate of learning, and the parents’ right to request an evaluation (34 CFR §300.311(a) (7)(ii)).
- Provided with data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction (34 CFR §300.309(b)(2)).

h. Indicators of the Need for a Referral for Further Evaluation for Suspected Specific Learning Disabilities.

Uintah School District utilizes the aforementioned problem-solving process to review student progress-monitoring data to ensure that students are progressing in the general education curriculum. The team tracks student progress and identifies recommendations for instructional interventions as needed. In tracking progress for students receiving multi-tiered interventions, the problem-solving team is responsible for considering whether or not a student should be referred for a comprehensive evaluation to determine whether that student has a disability at the point where unexplained underachievement and insufficient growth are documented.

1) When using an RTI process as part of SLD determination, consideration for a referral should be made after:

- a) A student has been provided with scientifically research-based supplemental and/or intensive interventions with documented progress-monitoring data for a sufficient amount of time to allow for student learning to occur. The amount of time needed to document progress should be based on research – specifically, the research conducted for a given intervention. Students should be provided with at least two rounds of research-based instructional intervention. At least one intervention should be a change in targeted instructional intervention.

- b) Student participation in RTI interventions has been reasonably consecutive and consistent.
- c) Measures have been taken to modify the student's behavior and/or provide the child with incentives to increase the child's motivation to participate in prescribed interventions, when necessary. Behavioral interventions should consider environmental changes that may affect a student's behavior.
- d) The student has received appropriate instruction. In determining appropriate instruction, the problem-solving team assures that:
 - Scientifically research-based materials are used.
 - Personnel are qualified and have received appropriate training in the use of the instructional materials or intervention.
 - Interventions are delivered with fidelity (i.e., in the manner for which they were designed and researched).

i. Parental Notification.

When a decision is made for a formal referral for additional assessment as part of a special education comprehensive evaluation, whether by the school or the parent, parents must be notified and written permission obtained. The problem-solving team or designated school personnel must:

- 1) Complete the referral form or process as outlined by Uintah School District procedures.
- 2) Follow the procedural safeguards for Written Prior Notice and Consent for Initial Evaluation.
- 3) Provide the parent with a copy of the Procedural Safeguards.
- 4) Obtain written parental consent for evaluation in the additional areas determined needed.

j. Comprehensive Evaluation.

- 1) The comprehensive evaluation must use a variety of technically sound assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent. It is not permissible to use any single measure or assessment as the sole criterion for

determining whether the child has a specific learning disability.

- 2) Uintah School District must ensure that the student is observed in the student's learning environment (including the regular classroom setting) to document the student's academic performance and behavior in the areas of difficulty. The team may decide to use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an evaluation; or have at least one member of the team conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent is obtained. If the student is a home-schooled student, Uintah School District will determine how to conduct the observation and who will conduct it. In the case of a student of less than school age or out of school, a group member must observe the student in an environment appropriate for a student of that age.
- 3) When all evaluation data have been collected, a group of qualified professionals and the parent(s)/guardian meet to review the data and determine eligibility. This evaluation/eligibility team must include at least:
 - a) The student's general education teacher or, if the student does not have a general education teacher, a regular classroom teacher qualified to teach a student of his or her age.
 - b) At least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, speech-language pathologist, reading teacher or reading specialist, or special education teacher.
 - c) The student's parent(s)/guardian.
 - d) Specific documentation for the eligibility determination (300.311). The team's documentation of the determination of eligibility with a specific learning disability must contain a statement of the (1) basis for making the determination; (2) the relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning; (3) the educationally relevant medical findings, if any; (4) whether student does not achieve adequately for student's age or to meet State-approved grade level standard; and, for the RTI Method selected by Uintah School District, (5)

whether the student is not making sufficient progress to meet age or State-approved grade-level standards (Rtl). The documentation must also contain the determination of the team concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level. Finding of a specific learning disability may not primarily be the result of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level.

- e) The eligibility team must refer to the *USOE Specific Learning Disabilities Guidelines*.

k. Determining Eligibility.

- 1) For an initial evaluation, Uintah School District administers appropriate assessments that meet all the criteria in Section II of this Manual. Uintah School District uses assessment results and other existing data, including classroom observations, to determine possible gaps in learning.
- 2) An eligibility team consisting of parents and qualified professionals including the student's general education teacher and an individual qualified to conduct individual diagnostic examinations determines whether the student is a student with a Specific Learning Disability by reviewing all data, looking for gaps in learning, why interventions have failed, whether the disability has an adverse effect on educational performance, and if specialized instruction is needed for the student to succeed, in accordance with the eligibility determination requirements of USBE SER II.
- 3) Within 45 school days of receipt of signed written parental consent, all evaluations must be completed. Upon completion, the evaluation team must meet to review all the data, determine if there is a need for any additional data, make an eligibility determination, and complete the evaluation report (assuming no additional data is needed to make a determination). The comprehensive evaluation must include information from multiple sources in determining SLD eligibility. Lack of progress in an RTI structure in and of itself is not

sufficient to determine that a child is eligible as a child with a disability in the area of SLD.

5. Determining Eligibility. (USBE SER II.)

a. Using the criteria for each category of disability as described above, the eligibility team shall determine:

- 1) Whether the student has a disability that
- 2) Adversely affects his educational performance, and
- 3) Whether the student requires special education or special education and related services.

Special education is defined (USBE SER I.E.38) as specially designed instruction to meet the unique needs of a student with a disability and may include related services if they meet the definition of special education. *Specially designed instruction* (USBE SER I.E.39) is adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability, and to ensure access of the student to the general curriculum, so that the student can meet educational standards of Uintah School District that apply to all students.

b. Disclaimers. (USBE SER) A student must not be determined to be a student with a disability if the determinant factor is:

- 1) Lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency);
- 2) Lack of appropriate instruction in math; or
- 3) Limited English proficiency.

c. The determination of eligibility is documented on the appropriate "Summary Report and Eligibility Determination" form with signatures of team members.

- d. If the disability is determined to be a Specific Learning Disability, any team member who disagrees with the rest of the team's decision may put his reasons in writing.
 - e. Parents are provided with a copy of the Summary Report and Eligibility Determination document.
6. Evaluations before Change in Eligibility. (USBE SER II.H.6)
- a. The Uintah School District evaluates a student with a disability before determining that the student is no longer an eligible student with a disability.
 - b. An evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular high school diploma, or due to exceeding the age of eligibility for FAPE under Utah law.
 - c. For a student whose eligibility terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility for FAPE under Utah law, Uintah School District provides the student with a summary of the student's academic achievement and functional performance, which includes recommendations on how to assist the student in meeting the student's postsecondary goals.

III. IEP DEVELOPMENT and SERVICE DELIVERY

Uintah School District implements the following policies and procedures to address the IEP requirements of USBE SER III.I-U.

A. IEP Team Meeting.

Within 30 calendar days of the determination of eligibility, the special education teacher/case manager shall arrange a meeting of the IEP team to develop an IEP at a place and time that is mutually convenient to the parent and the school. A Notice of Meeting will be sent to the parent and other members of the team stating the purposes, time, place, who is expected to be in attendance, and letting the parent know that the parent or the school may bring others who have knowledge or special expertise about the student to the meeting. The determination of knowledge or expertise of the invited person is made by the party who invited that person.

B. Parental Opportunity to Participate.

1. Parents are expected to be participants along with school team members in developing, reviewing, and revising the IEP. This includes providing critical information about needs and strengths of their student, contributing to discussions about the student's needs for special education, determining how the student will be involved and make progress in the general curriculum, deciding how the student will participate in the state and district wide assessments, and deciding what services Uintah School District will provide and in what settings.
2. Uintah School District documents in writing its attempts to get parental participation in IEP meetings. If the parent cannot attend, participation by other means such as teleconference may be used. Parents must be given whatever help they need to understand the proceedings of the IEP meetings, such as interpreters. If Uintah School District cannot obtain parental participation, it proceeds with the development of the IEP as required by Part B of the IDEA and USBE SER.

C. IEP Team.

The team shall consist of the parent, the special education teacher and regular education teacher of the student, a representative of Uintah School District, a person who can interpret the results of the evaluation, and the student when appropriate. Other team members may be added when they are likely to provide services to

the student. The representative of Uintah School District must meet Uintah School District's administrator standards, and have knowledge of the general education curriculum and of the availability of resources of Uintah School District.

D. IEP Team Attendance. (USBE SER III.F)

1. A required member of the IEP team is not required to attend all or part of a particular IEP team meeting if the parent of a student with a disability and Uintah School District agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
2. A required member of the IEP team may be excused from attending all or part of a particular IEP meeting when the meeting does involve a modification to or discussion of the member's area of the curriculum or related services, if the parent and Uintah School District consent to the excusal in writing; and the member submits written input into the development of the IEP to the parent and the IEP team, prior to the meeting.

E. IEP Timelines.

1. An IEP is in effect for each identified student with a disability prior to the beginning of the school year.
2. Each student's IEP is reviewed and revised at least annually. The IEP Team reviews the IEP at least annually to determine whether the annual goals for the student are being achieved. The Team may decide to meet at the request of the parent or other IEP Team member to revise the IEP to address lack of expected progress toward annual goals and lack of progress in the general curriculum, the results of any reevaluation, information about the student provided to or by the parents, the student's anticipated needs, or other matters.
3. An IEP is developed within 30 calendar days of initial determination that a student is an eligible student with a disability.
4. Once parental consent for the initial provision of special education or special education and related services is obtained, the special education services, related services, and

supplementary aids and services are provided as soon as possible.

F. Transfer Students.

Uintah School District provides a student transferring from another LEA in or out of the state with comparable services to those listed on an existing IEP while it determines next needed steps in accordance with the In-State and Out-of-State Transfer Student Checklist of the USOE.

G. IEP Development and Content.

1. The IEP Team will develop an IEP that is reasonably calculated to confer a free appropriate public education for the student.
2. In developing the IEP, the IEP team must consider the student's strengths, parental concerns, evaluation results, academic development and functional needs, and special factors.
3. The IEP must include:
 - a. A statement of the student's present level of academic achievement and functional performance, including baseline data on his achievement and how the student's disability affects his access and progress in the general curriculum for his age or grade level. For preschool students, goals will be based on appropriate activities.
 - b. Measurable annual goals and, for students who are assessed using Utah's Alternate Assessment, short term objectives, based on the present level statement that enable the student to be involved and make progress in the general education curriculum and addressing each of the student's educational needs resulting from the student's disability.
 - c. How progress on the goals will be measured and reported to the parents on a periodic basis.
 - d. The special education and related services, and the supplementary aids and services, the student needs to address his goals and make progress in the general curriculum. The services are based on peer-reviewed research to the extent practicable.

- e. Program modifications and supports for the student and the teacher in the regular education classroom.
- f. The dates that services, accommodations, and program modifications will begin and end (no more than one year from the date of the IEP); and the frequency, location, and amount of each service listed. Services listed must be specific, such as “reading comprehension,” not “resource.”
- g. Consideration of special factors as follows:
 - 1) In the case of a student with limited English proficiency, consider the language needs of the student as those needs relate to the student’s IEP;
 - 2) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student’s reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student’s future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;
 - 3) Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student’s language and communication needs, opportunities for direct communications with peers and professional personnel in the student’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student’s language and communication mode;
 - 4) Consider whether the student needs assistive technology devices and services; and
 - 5) In the case of a student whose behavior impedes the student’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
 - a) When making decisions on behavioral interventions, the IEP team must refer to the *USOE Special Education Least Restrictive Behavior Interventions (LRBI) Guidelines* for information on research-based

intervention procedures in order to protect the safety and well-being of students with disabilities, provide protection for students, teachers, other school personnel, Uintah School District, and the USOE, and ensure that parents are involved in the consideration and selection of behavior interventions to be used with their students.

- b) When an emergency situation occurs that requires the immediate use of moderately or highly intrusive interventions to protect the student or others from harm, the staff shall complete and submit the emergency contact information to the Uintah School District Special Education Director and principal and notify the student's parents within 24 hours.
 - c) As appropriate, the student should receive a functional behavioral assessment and behavior intervention services and modifications that are designed to address the behavior.
- h. If the IEP team in considering the special factors described above decides that a student needs a particular device or services for educational purposes, which could be an intervention, accommodation, or other program modification in order to receive a FAPE, the team must include these in the IEP.
- i. How the student will participate in district-wide and statewide assessments. While every student with a disability must participate, an individual student may be determined to participate with some accommodations based on his disability, or with modifications. Students who have the most significant cognitive disabilities, and meet other criteria in the USOE Assessment Participation and Accommodation Policy, may be assessed with Utah's Alternate Assessment (UAA). The IEP Team must indicate this on the IEP Assessment Addendum, along with the reason that the student cannot otherwise participate in the statewide assessment program.
- j. In addition to the required elements of the statewide assessment program, Uintah School District administers district wide assessments. All students, including eligible students with disabilities, are included in these assessments. Students with disabilities may participate in the assessments with appropriate accommodations and modifications as

determined by the IEP Team and documented in the student's IEP. Alternate assessments for individual students, as determined by the student's IEP Team and documented in the student's IEP, are provided for students who cannot participate in district wide assessments in any other way.

- k. How the student will participate in physical education services, specially designed or adapted if necessary.
- l. Each IEP team must determine whether the student will need Extended School Year (ESY) services in order to receive a free appropriate public education.
 - 1) Most students demonstrate regression and recoupment. ESY is most typically only for those students who require an extended school year to remain in their current least restrictive environment placement when they return to school and/or for students whose attainment of their expected level of self-sufficiency and independence is unlikely, in view of their disabilities, without ESY services. If IEP teams choose to utilize a regression and recoupment model, they will need to collect data over at least two breaks in the school year consisting of 4 or more week days when there is no school.
 - a) If the student's recovery from measured regression on pinpointed skills directly related to the IEP goals takes so long that he would not receive FAPE without services during the summer or other school break, the IEP Team must find him eligible for ESY services.
 - 2) The IEP Team shall develop a written Prior Notice of Extended School Year document that indicates which IEP goals the student will work on during the ESY, what services will be provided, how long and how often the ESY services will be provided, and the setting(s) in which the services will be provided.
- m. Assistive Technology. Uintah School District makes assistive technology devices or assistive technology services, or both, available to a student with a disability if required as part of the student's special education, related services, or supplemental aids and services. School-purchased assistive technology devices may be used in the student's home, if the IEP Team determines, on a case-by-case basis, that

assistive technology in the home is required for the student to receive a FAPE.

H. IEP Team Access to IEP Information.

1. Uintah School District special education teachers make the student's IEP accessible to each general education teacher, special education teacher, related service provider, and other service providers who are responsible for its implementation. Each teacher and provider is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.
2. Uintah School District special education teachers prepare an Individualized Education Plan Summary of the present level of performance, goals, and program modifications and supports for each teacher of the student. This summary is provided to appropriate general education teachers and related services providers within one week of the development of the IEP.

I. Placement in the Least Restrictive Environment (LRE). (USBE SER III.P)

1. Placement decisions are made by a group of persons, including the parents and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. This group may be the IEP Team, including the parent. The group determines the placement on the continuum of placement options where the student will receive special education or special education and related services.
2. Uintah School District ensures that the parents of each student are members of any group that makes decisions on the education placement of their student. If unable to get the parents to participate, after repeated and documented attempts, the team may need to proceed with a placement decision. However, no initial placement and provision of services may be put in place without written parental consent.
3. Placement is determined at least annually, based on the student's present levels of performance, goals, services, and program modifications as detailed in the IEP.

4. Identified students with disabilities shall receive the special education or special education and related services in the Least Restrictive Environment to the maximum extent appropriate to meet the student's needs. This means that the student will not be removed from the regular education classroom, with regular education peers, unless the IEP Team determines that due to the nature and severity of the disability, the student's educational needs cannot be addressed satisfactorily in the regular education environment, even with the use of supplementary aids and services.
 5. Uintah School District provides the IDEA required range of placement options, including placement in the regular education classroom, with or without itinerant services; placement in a special class; placement in a special school; placement in a residential program, and homebound or hospitalized placement.
 6. Uintah School District provides supplementary services, such as resource or itinerant instruction, in conjunction with placement in the regular education classroom, when needed.
- J. Nonacademic Settings, Activities, and Services. (USBE SER III.U-V)
1. Uintah School District, through the IEP process including the provision of supplementary aids and services, provides eligible students with disabilities nonacademic and extracurricular services and activities in the manner necessary to afford eligible students with disabilities an equal opportunity for participation in those services and activities.
 2. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Uintah School District, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by Uintah School District and assistance in making outside employment available.
- K. Parental Consent for Initial Placement and Provision of Services. (USBE SER III.T)
1. In order for the IEP to be implemented and the special education services the team has decided on to begin, written parental consent must be obtained. If the parent refuses

consent for the provision of those services, Uintah School District may not implement the IEP and may not access due process procedures.

2. Uintah School District does not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of Uintah School District.

L. Documentation of Participation.

1. All members of the IEP team will sign the IEP document indicating that they participated in the development of the IEP. A parent's signature on the IEP does not mean that the parent is in full agreement with the content of the IEP and does not abrogate the parental right to access the Procedural Safeguards of the IDEA.
2. If Uintah School District, despite at least two documented attempts, is unsuccessful in having parental attendance at the meeting, the rest of the IEP team shall proceed with the meeting.
3. Parents may participate via telephone conference or video conference.
4. Parents will be provided with a copy of the completed IEP, and Written Prior Notice of Uintah School District's intent to implement the program and services in the IEP. This Notice is embedded in the IEP form.

M. Changes to the IEP.

1. Changes to the IEP may be made at the request of any member of the IEP Team in a meeting or by amendment to the existing IEP.
2. Changes may be needed if there is new information about the student's performance.
3. Amendments to the IEP without a team meeting may be made only with the agreement of Uintah School District and the parent.
 - a. Amendments that include minor changes in the amount of a special education or related service, a minor change of location, or a goal change that is the next logical step

forward or backwards and is based on the student's progress may be made without a team meeting.

- b. If the amendment involves a move on the continuum of Least Restrictive Environment placement options, or the amount of services is significantly changed, or a service is to be added or eliminated, an IEP Team meeting is held with a Notice of Meeting to all team members.
4. The parent will be provided with a copy of the amended IEP including Written Prior Notice that these additional actions or changes in actions are going to be implemented.

N. Transition from Part C to Part B. (USBE SER VII.A)

1. For students ages 3-5, the Uintah School District follows these policies and procedures:
 - a. Every eligible student has an IEP developed and being implemented by the student's third birthday;
 - b. If a student's third birthday occurs after the end of the school year, the student's IEP team determines the date in the next school year when services under the IEP will begin, unless the IEP team determines that Extended School Year services are needed; and
 - c. A representative of Uintah School District participates in transition planning conferences arranged by the designated lead agency for Part C.
 - d. In developing the IEP for a student with a disability ages 3 through 5 or, at the discretion of Uintah School District, a two-year-old student with a disability who will turn age 3 during the school year, the IEP team must consider the contents of the Part C Individual Family Services Plan (IFSP).
 - e. In the case of a student who was previously served under Part C of the IDEA, the parent may request that an invitation to the initial IEP meeting be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services. Upon such request, Uintah School District shall provide the Notice of Meeting to the Part C representative.

O. Transition from School to Post-School Settings. (USBE SER VII.B)

1. For a student with a disability beginning not later than the first IEP to be in effect when the student turns 16 (such as in an IEP meeting conducted when the student is 15 years old), or younger if determined appropriate by the IEP Team, the Notice of Meeting indicates that a purpose of the meeting is the consideration of the postsecondary goals and transition services for the student, that Uintah School District will invite the student, and identifies any other agency that will be invited, with the consent of the parents or student age 18 or older, to send a representative.
 - a. If the student does not attend the IEP meeting, Uintah School District takes other steps to ensure that the student's preferences and interests are considered.

2. Transition services. Beginning not later than the first IEP to be in effect when the student turns 16 (such as in an IEP meeting conducted when the student is 15 years old), or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP includes:
 - a. Appropriate measurable postsecondary goals, including academic and functional goals, based upon age-appropriate transition assessments related to training or education, employment, and, where appropriate, independent living skills;
 - b. The transition services, including courses of study, needed to assist the student in reaching the student's post-secondary goals.

3. Transfer of rights at age of majority.
 - a. Beginning not later than one year before the student reaches the age of majority (age 18), the IEP must include a statement that the student and the student's parents have been informed of the student's rights under Part B of the IDEA that will transfer to the student on reaching the age of majority (except for a student with a disability who has been determined to be incompetent by a court). These rights include:
 - 1) An adult student has the right to approve the student's own educational placement and Individualized Education

Program (IEP) without help from parents, family, or special advocates.

- 2) An adult student has the right to allow parents, family, or special advocates to help if the student so desires.
- b. Uintah School District provides any notice required by Part B of the IDEA and these Rules to both the student and the parents.
- c. All rights accorded to parents under Part B of the IDEA transfer to the student.
- d. All rights accorded to parents under Part B of the IDEA transfer to students who are incarcerated in an adult or juvenile, State or local correctional institution.

P. Graduation. (USBE VII.C)

1. Uintah School District is not obligated to make FAPE available to students with disabilities who have graduated from high school with a regular high school diploma.
 - a. The exception above does not apply to students that have graduated from high school but have not been awarded a regular high school diploma, even if they have received an alternative degree that is not fully aligned with the State's academic standards, such as a certificate of completion or a general educational development credential (GED).
 - b. Graduation from high school with a regular high school diploma is a change in placement, requiring Written Prior Notice, containing all the requirements of WPN, and is given a reasonable time before Uintah School District proposes to terminate the student's eligibility under the IDEA by issuing the student a diploma.
2. The IEP Team may amend graduation requirements and must document in the IEP the nature and extent of any modifications, substitutions, and/or exemptions made to accommodate the needs of a student with disabilities.
3. The IEP teams in Uintah School District must refer to the USOE Special Education Graduation Guidelines for additional information.

Q. Least Restrictive Behavior Interventions (LRBI).

Uintah School District must refer to the USOE LRBI Guidelines as written. The Uintah School District also implements the following procedures:

1. **Emergency Situations:** When an emergency situation occurs that requires the immediate use of highly intrusive individual interventions to protect the student or others from harm, the staff shall complete and submit the emergency contact information to the Special Education Coordinator and notify the student’s parents within 24 hours. Utah State Office of Education Special Education Rules III I (b)(5)(c).
 - a. In an emergency situation, school staff may intervene using a moderate to intensive (highly intrusive intervention) to ensure the safety of students and staff.

Emergency Situations	Definition
Danger to others	Physical violence/aggression toward others with sufficient force to cause bodily harm
Danger to self	Self-abuse of sufficient force to cause bodily harm
Severe destruction of property	Severe destruction or physical abuse of property resulting in substantial monetary loss
Threatened abuse toward others, self, or property	Substantial evidence of past threats leading to any of the behaviors defined as danger to others, danger to self, or severe destruction of property

- b. Each school within Uintah School District will develop Emergency Situation Procedures and submit them to the Special Education Coordinator for review. Each school will submit emergency contact information using the USOE LRBI Guidelines Emergency Contact Form within 24 hours to the Special Education Coordinator.
 - c. Parents will be notified of the emergency contact within 24 hours.
2. **Pattern of Behavior:** If a behavior requiring emergency procedures occurs more than once per week, two times in a month, or four times in a year, the behavior should no longer be

considered an emergency or crisis and should be addressed in the IEP and/or BIP. Additionally, the allowable instances of a behavior requiring emergency procedures are cumulative in number, regardless of whether a different highly intrusive individual intervention (Few) is used.

3. Dispute Resolution/Appeals Process: Uintah School District follows the Dispute Resolution requirements of the USBE SER described in IV.G-U as written. These include the procedures for State Complaints, Mediation, Due Process Complaints, Resolution Process, Due Process Hearings, Civil Actions, Attorney's Fees, and Student's Status during Proceedings.
4. Provisions for Staff Training: Uintah School District will provide ongoing professional development related to the USBER Special Education Rules, the USOE LRBI Guidelines, and the Uintah School District Special Education Policies and Procedures Manual to staff.
5. Procedures for Monitoring LRBI Policies.
 - a. The Special Education Coordinator will review all Emergency Contact forms for verification that procedures were followed. If procedures were not followed, intensive professional development will be provided to school staff where procedures were not followed.
 - b. All Behavior Intervention Plans that include Intensive Interventions will be reviewed by the School Psychology Team and the Special Education Coordinator for appropriate selection of interventions.

R. Students with Disabilities in Other Settings. (USBE SER VI)

Uintah School District has adopted all of the rules for Students with Disabilities in Other Settings as found in USBE SER VI. 117-133.

VI. PROCEDURAL SAFEGUARDS

Uintah School District, consistent with the requirements of Part B of the IDEA and the USBE Special Education Rules, has established, maintains, and implements Procedural Safeguards for students with disabilities and their parents.

A. Opportunity for Parental Participation in Meetings.

Uintah School District affords parents the opportunity to participate in all decisions related to the location, identification, evaluation, and provision of FAPE for their student, including decisions related to the Discipline requirements of Part B of the IDEA. This includes arranging meetings at a mutually agreed upon time and place, providing a Notice of Meeting, and making at least two documented attempts to obtain parent participation in meetings.

B. Independent Educational Evaluation (IEE). (USBE SER IV.C)

1. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by Uintah School District.
2. Uintah School District has established and implements the following policies and procedures related to independent educational evaluations that meet the requirements of Part B of the IDEA and the USBE SER.
 - a. The parents of a student with a disability have the right to obtain an independent educational evaluation of the student at public expense if they disagree with an evaluation obtained by Uintah School District.
 - b. Uintah School District provides to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and Uintah School District's criteria applicable for independent educational evaluations. Uintah School District has available a list of persons and/or agencies where an IEE may be obtained by the parent. In addition, Uintah School District considers any other evaluator or agency proposed by the parent to conduct the IEE if the examiner and the evaluation meet Uintah School District's criteria. A qualified examiner is one who meets the USOE criteria for qualified personnel as a special education teacher, school psychologist, psychologist with expertise in administration

and analysis of assessments, or other equivalent qualifications as determined by Uintah School District. Criteria for the evaluation are that the evaluation procedures meet all of the same standards as those listed in Section II.D-H of this Policy and Procedures Manual. Uintah School District either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

- c. Uintah School District ensures that when a parent requests an IEE, either Uintah School District files a due process complaint to request a hearing to show that its evaluation is appropriate, or that the independent educational evaluation is provided at public expense, unless the evaluation obtained by the parent does not meet Uintah School District criteria as described above. If a due process complaint decision finds the Uintah School District evaluation was appropriate, an IEE obtained by the parent is considered by the team, but is not provided at public expense.
 - d. Additional protections for the parent of a student with a disability and for Uintah School District are followed as written in USBE SER IV.C.3(c-h).
3. An independent educational evaluation conducted at Uintah School District's expense becomes the property of Uintah School District, in its entirety.

C. Written Prior Notice.

Uintah School District provides Written Prior Notice to parents a reasonable time before it proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or provision of a free appropriate public education to the student. The notice includes: a description of the action proposed or refused, an explanation of reasons for the proposal or refusal, a description of evaluations or other information the proposal or refusal is based on, a statement that the parents and eligible student have protection under the Procedural Safeguards and how to obtain a copy of the Safeguards, sources of assistance to understand Part B of the IDEA, a description of other options the IEP Team considered and why the other options were rejected, and a description of other relevant factors to the proposal or refusal. The Written Prior Notice is provided in understandable language and in the parents' native language or other mode of communication unless it is clearly not feasible to do so.

D. Procedural Safeguards Notice.

A copy of the Procedural Safeguards is given to the parent once a year, usually at the annual IEP review, except that a copy also is given to the parent upon initial referral or parental request for evaluation, upon receipt of the first State complaint or due process complaint in that school year, and upon request by the parent at any time. Uintah School District uses the USOE Procedural Safeguards Notice that is posted on the USOE website, www.schools.utah.gov. The special education teacher/case manager provides a brief explanation of the main provisions of the Procedural Safeguards to the parents at consent for evaluation, eligibility determination, and annual IEP meetings.

This notice contains an explanation of the procedural safeguards related to independent educational evaluations, written prior notice, parental consent, access to educational records, opportunity to present and resolve complaints through State complaint or due process complaint procedures, opportunity for Uintah School District to resolve the complaint, availability of mediation, student's placement during pendency of hearings, procedures for students placed in an interim alternative educational setting, requirements for unilateral placement of student in private schools at public expense, hearings on due process complaints, civil actions, attorney's fees. This notice is in language understandable to the parents.

E. Parental Consent.

Informed written parental consent is obtained for evaluation and reevaluation, initial placement/provision of special education, and for release of records to certain parties. Efforts to obtain consent are documented in writing. No student receives special education or special education and related services without the signed initial consent for placement in the student file. Other relevant parental consent requirements are addressed in Sections II and III of this Policies and Procedures Manual.

F. Dispute Resolution.

Uintah School District follows the Dispute Resolution requirements of the USBE SER described in IV.G-U as written. These include the procedures for State Complaints, Mediation, Due Process Complaints, Resolution Process, Due Process Hearings, Civil Actions, Attorney's Fees, and Student's Status during Proceedings.

G. Surrogate Parents.

Uintah School District assigns a surrogate parent for a student when the parent cannot be identified or cannot be located, the parent's rights to make educational decisions has been taken away by a court, the student is a ward of the state, or the student is an unaccompanied homeless youth. The surrogate parent meets the requirements of USBE SER IV.V.5-8. Uintah School District contacts the USOE for assistance in obtaining names of trained surrogates, and maintains a list of surrogate parents who are available when needed.

H. Transfer of Rights.

When a student reaches age 18, the age of majority in Utah, and has not been determined incompetent under State law, all rights accorded to parents under Part B of the IDEA and USBE SER transfer to the student. Uintah School District provides written notice of this transfer of rights at least one year prior to the student's 18th birthday.

I. Confidentiality of Information. (USBE SER IV.X)

Uintah School District takes appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records it collects or maintains related to Part B of the IDEA.

1. Definitions. As used in these safeguards:

- a. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- b. *Education records* means the type of records covered under the definition of "education records" in 34 CFR 99, implementing regulations for the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g (FERPA).
- c. *Participating agency* means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

2. Access rights.

- a. Uintah School District permits parents to inspect and review any education records relating to their student that are collected, maintained, or used by Uintah School District. Uintah School District complies with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing, or resolution session, and in no case more than 45 calendar days after the request has been made.
 - b. The right to inspect and review education records includes the right to:
 - 1) A response from Uintah School District to reasonable requests for explanations and interpretations of the records;
 - 2) Request that Uintah School District provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
 - 3) Have a representative of the parent inspect and review the records.
 - c. Uintah School District may presume that the parent has authority to inspect and review records relating to his or her student unless the school has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.
3. Record of access.

Uintah School District keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of Uintah School District), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. If any education record includes information on more than one student, Uintah School District ensures that the parents of a student has the right to inspect and review only the information relating to their student or to be informed of that specific information.

4. List of types and locations of information.

On request, Uintah School District provides parents with a list of the types and locations of education records collected, maintained, or used by Uintah School District.

5. Fees.

Uintah School District may charge a fee for copies of records that are made for parents under Part B of the IDEA if the fee does not effectively prevent the parents from exercising their right to inspect and review those records; however, it may not charge a fee to search for or to retrieve information under Part B of the IDEA.

6. Amendment of records at parent's request.

a. A parent who believes that information in the education records collected, maintained, or used under Part B of the IDEA is inaccurate or misleading or violates the privacy or other rights of the student may request Uintah School District to amend the information. Uintah School District must decide whether to amend the information within a reasonable period of time of receipt of the request. If Uintah School District decides to refuse to amend the information, it must inform the parent of the refusal and advise the parent of the right to a hearing on the matter.

b. Uintah School District, on request, provides an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. If, as a result of the hearing, Uintah School District decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it must amend the information accordingly and so inform the parent in writing.

If, as a result of the hearing, Uintah School District decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must inform the parent of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of Uintah School District. Any

explanation placed in the records of the student under this section must be maintained by Uintah School District as part of the records of the student as long as the record or contested portion is maintained; and if the records of the student or the contested portion is disclosed by Uintah School District to any party, the explanation must also be disclosed to the party. Uintah School District follows the hearing procedures described in USBE SER IV.12 as written.

7. Release and disclosure of records.

Parental consent is not required for disclosure of records to officials of agencies collecting or using information under the requirements of Part B of the IDEA, to other school officials, including teachers within the school who have been determined by Uintah School District to have legitimate educational interests, to officials of another school or school site in which the student seeks or intends to enroll, or for disclosures addressed in referral to and action by law enforcement and judicial authorities, for which parental consent is not required by 34 CFR 99.

(All Utah Local Education Agencies (LEAs) include in the annual Procedural Safeguards notice that it is their policy to forward educational records of a student with disabilities without parental consent or notice to officials of another school or school district in which a student seeks or intends to enroll.)

Written parental consent is obtained prior to releasing any records to any other person or agency not listed above.

8. Safeguards.

- a. Uintah School District protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- b. The Special Education Coordinator of Uintah School District assumes responsibility for ensuring the confidentiality of any personally identifiable information.
- c. Staff members at Uintah School District who collect or use personally identifiable information receive training or instruction regarding the State's policies and procedures in USBE SER IV.X and 34 CFR 99 on an ongoing basis.

- d. Uintah School District maintains, for public inspection, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information on students with disabilities. This list is posted on the cabinet in which students' special education files are maintained and updated annually.

9. Destruction of information.

Uintah School District informs parents or the student age 18 or older when personally identifiable information collected, maintained, or used under Part B of the IDEA is no longer needed to provide educational services to the student. Information no longer needed must be destroyed at the request of the parents or student age 18 or older. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. Each student's records may be considered "no longer needed to provide educational services" and may be destroyed three (3) years after the student graduates or three (3) years after the student turns 22.

10. Students' rights.

The rights of privacy afforded to parents are transferred to the student who reaches the age of 18, providing the student has not been declared incompetent by a court order, including the rights with regard to education records.

J. Discipline.

Uintah School District follows the Discipline requirements and procedures described in USBE SER V.A-K as written.

V. LEA ELIGIBILITY and RESPONSIBILITIES

A. Participation in assessments and reporting of assessment results.

All students enrolled in Uintah School District, including students with disabilities, participate in the statewide testing program and the school-wide testing program. Participation requirements in the USOE Assessment Participation and Accommodation Policy are followed. The IEP Team determines how a student with disabilities will participate, and accommodations needed, if any. Results of statewide assessments are posted on the USOE website annually.

B. Public participation in policies and procedures development.

This Policy and Procedures Manual, as well as any future changes to the contents, are presented to the Uintah School District Board of Education in a public meeting for review and input. The agenda for Uintah School District board meetings is posted at least one week prior to each meeting as required by state law.

C. Public posting of USOE monitoring results.

Results of monitoring from the Utah Program Improvement Planning System are posted on the USOE website annually.

D. Methods of ensuring services.

Uintah School District ensures that each eligible student with a disability enrolled in the District receives the services included in the IEP through a systematic process of review of IEPs and monitoring of service delivery by Uintah School District personnel and contracted service providers.

E. Supervision.

All personnel of Uintah School District are supervised by appropriately qualified staff as determined by the Uintah School District Board of Education.

F. Use of Part B funds.

Uintah School District follows the requirements of USBE SER IX.B in ensuring the appropriate use of funds under Part B of the IDEA. Uintah School District participates in the single audit process required by State law that includes an audit of Part B funds.

The district may participate in Coordinated Early Intervening Services (CEIS). An annual decision regarding CEIS will be recorded in the Utah Consolidated Application (UCA).

G. Personnel standards.

All special education and related services personnel of Uintah School District meet the educator licensing requirements of the USOE for the positions in which they work, as described in the USBE SER IX.H and the Highly Qualified requirements of the USOE State Plan under No Student Left Behind and Educator Licensing – Highly Qualified Assignment (Administrative Rule R-277-510-1 through 11). All personnel necessary to carry out Part B of the IDEA are appropriately and adequately prepared, subject to the requirements related to personnel qualifications and Section 2122 of the ESEA. Uintah School District provides a program of professional development for all special education personnel, based on the identified skill and knowledge needs of teachers, assistants, related service providers, and others, and including targeted training for persons working with students with specific and individual needs for academic and social behavior instruction.

H. Performance goals and indicators in the State Performance Plan.

Uintah School District participates in additional procedures and collects and provides additional information which the USOE may require in order to meet Federal reporting requirements, including suspension and expulsion rates, LRE environments, disproportionality data, and others. (USBE SER IX.A.2)

I. Early Intervening Services.

Uintah School District uses not more than 15 percent of the amount it receives under Part B of the IDEA for any fiscal year, in combination with other amounts to develop and implement coordinated early intervening services for students who are not currently identified as needing special education or special education and related services, but who need additional academic and behavioral support to succeed in a general education environment. These funds are used to carry out activities including professional development that enables school personnel to deliver scientifically based academic and behavioral interventions, as well as educational and behavioral evaluations, services, and supports.

Uintah School District provides any and all required data on its Early Intervening Services to the USOE annually.

J. Caseload Guidelines.

Uintah School District refers to the USOE Caseload Guidelines in overseeing the caseload of each special educator, including related service providers, to ensure that a FAPE is available to all eligible students with disabilities.

K. Enforcement.

The confidentiality requirements of Part B of the IDEA are reviewed and approved as part of the LEA eligibility process.