

# Student Snapshot/Vision Statement

Thursday, June 18, 2020  
12:52 PM



**Clayton Carroll**

**Strengths:**

*Highly Social  
Determined  
Shows Initiative  
Hard Working  
Independent  
Musical  
Creative  
Dependable  
Empathetic*

**Areas I Need Help:**

*Reading  
Math  
Counting Money  
Managing Time  
Keeping Track of a Schedule  
Redirect when needed*

**Vision Statement:**

I love my two jobs. I work at the Bread of Life Café and the Dunnville Christian Church Daycare. I also travel with my Mom and do motivational speaking. Someday I want to live on my own and get married to my girlfriend.

**Accomplishments:**

- Worked at Bread of Life Café for 5 years
- I am registered to vote
- I have been the Band Staff Advisor for Casey County High School Marching Band for 4 years.
- I have spoke at many events and participated on student panels for students with disabilities.
- I am a self-advocate

**What Works for Me:**

*Peer modeling and support  
Age-appropriate awards: breaks, money, music  
Specific explanations and showing me how*

**What Doesn't Work for Me:**

*Giving me too many tasks at one time  
Removing me from friends*

## Medical Info

Thursday, June 18, 2020  
1:57 PM

### KY-SPIN, Inc. Information Sheet Series

#### "MY MEDICAL INFORMATION"

My Diagnosis (if any):

|  |
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How it affects my life:

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My medications:

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How medication affects me:

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|--|
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|  |

How you can support my health:

|  |
|--|
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|  |
|  |



KY-SPIN, Inc.  
10301-B Deering Rd.  
Louisville, KY 40272  
Toll Free: 1-800-525-7746  
Phone: (502) 937-6894 Fax: (502) 937-6464  
E-mail: [spina@kyspin.com](mailto:spina@kyspin.com) Website: [www.kyspin.com](http://www.kyspin.com)



1001 S. Second Ave.  
Louisville, KY 40272  
Toll Free: 1-800-525-7746  
Phone: (502) 937-6894 Fax: (502) 937-6464  
E-mail: [spininc@kyspin.com](mailto:spininc@kyspin.com) Website: [www.kyspin.com](http://www.kyspin.com)



## ARC/IEP Team Members

Thursday, June 18, 2020  
5:18 PM

<https://www2.ed.gov/policy/special/guid/idea/tb-iep-meetings.pdf>

IDEA 2004: 1. Revises language regarding members of the IEP team. The term “IEP team” means a group of individuals composed of:

- The parents of a child with a disability;
- Not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- Not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- A representative of the local education agency (LEA) who is: qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; knowledgeable about the general education curriculum; and knowledgeable about the availability of resources of the LEA;
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above;
- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- Whenever appropriate, the child with a disability. [614(d)(1)(B)]

| Name | Phone Number | Email Address |
|------|--------------|---------------|
|      |              |               |
|      |              |               |
|      |              |               |
|      |              |               |
|      |              |               |
|      |              |               |
|      |              |               |
|      |              |               |

# Communication Log

Friday, June 19, 2020  
11:34 AM

## School communication log

Child's name: \_\_\_\_\_

| Date: _____                      |                                          | <input type="checkbox"/> Phone | <input type="checkbox"/> Email | <input type="checkbox"/> Letter | <input type="checkbox"/> In person |
|----------------------------------|------------------------------------------|--------------------------------|--------------------------------|---------------------------------|------------------------------------|
| Who initiated:                   | Who participated, received, or attended: |                                |                                |                                 |                                    |
| What prompted the communication: |                                          |                                |                                |                                 |                                    |
| What was discussed:              |                                          |                                |                                |                                 |                                    |
| What was decided:                |                                          |                                |                                |                                 |                                    |

| Date: _____                      |                                          | <input type="checkbox"/> Phone | <input type="checkbox"/> Email | <input type="checkbox"/> Letter | <input type="checkbox"/> In person |
|----------------------------------|------------------------------------------|--------------------------------|--------------------------------|---------------------------------|------------------------------------|
| Who initiated:                   | Who participated, received, or attended: |                                |                                |                                 |                                    |
| What prompted the communication: |                                          |                                |                                |                                 |                                    |
| What was discussed:              |                                          |                                |                                |                                 |                                    |
| What was decided:                |                                          |                                |                                |                                 |                                    |

| Date: _____                      |                                          | <input type="checkbox"/> Phone | <input type="checkbox"/> Email | <input type="checkbox"/> Letter | <input type="checkbox"/> In person |
|----------------------------------|------------------------------------------|--------------------------------|--------------------------------|---------------------------------|------------------------------------|
| Who initiated:                   | Who participated, received, or attended: |                                |                                |                                 |                                    |
| What prompted the communication: |                                          |                                |                                |                                 |                                    |
| What was discussed:              |                                          |                                |                                |                                 |                                    |
| What was decided:                |                                          |                                |                                |                                 |                                    |

# Letters and Emails

Friday, June 19, 2020

11:41 AM

# Request/Referral

Friday, June 19, 2020  
11:41 AM

Today's Date (include month, day, and year)

Your Name  
Street Address  
City, State, Zip Code  
Daytime telephone number

Name of Principal or Special Education Administrator  
Name of School  
Street Address  
City, State, Zip Code

Dear (person's name),

I am writing to request that my son/daughter, (child's name), be evaluated for special education services. I am worried that (child's name) is not doing well in school and believe he/she may need special services in order to learn. (Child's name) is in the ( \_ ) grade at (name of school). (Teacher's name) is his/her teacher.

Specifically, I am worried, because (child's name) does/does not (give a few direct examples of your child's problems at school).

We have tried the following to help (child's name): (If you or the school have done anything extra to help your child, briefly state it here).

I understand that I have to give written permission in order for (child's name) to be evaluated. Before the evaluation begins, I have some questions about the process that I need to have answered (list any questions you may have). I would be happy to talk with you about (child's name). You can send me information or call me during the day at (daytime telephone number). Thank you for your prompt attention to my request.

Sincerely,  
Your name

cc: your child's principal (if letter is addressed to an administrator)  
your child's teacher(s)

**Note:** If your child has been identified as having a disability by professionals outside the school system, add the following sentence to the end of the first paragraph: "(Child's name) has been identified as having (name of disability) by (name of professional). Enclosed is a copy of the report(s) I have received that explains (child's name) condition."

Pasted from <<https://www.parentcenterhub.org/evaluation-2/>>

# Independent Evaluation Request

Friday, June 19, 2020  
12:05 PM

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of the person to whom you're writing

Title

Street Address

City, State, Zip Code

Dear (person's name),

My son/daughter, (child's name), is in the ( \_ ) grade at (name of school), in (teacher's name) class. He/She was evaluated for special education services in (month/year). I am writing to request an Independent Educational Evaluation at public expense, for the following reasons: (BRIEFLY list your reason(s). Be very specific. For example,)

"I disagree with the evaluation results because . . ."

"The evaluation should have included . . ."

"Evaluation should have been done in the area of . . ."

I would like this Independent Educational Evaluation to be done as quickly as possible so that we can fully address (child's name) needs. Please respond as as possible and send me copies of the school's guidelines for this. My daytime telephone number is (give your phone number). Thank you.

Sincerely,

Your name

cc: your child's principal

your child's teacher(s)

**Note:** The "cc:" at the bottom of the letter means you are sending a copy of your letter to the people listed after the cc.

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Pasted from <<https://www.parentcenterhub.org/iee-3/>>

# Consent to Evaluate

Friday, June 19, 2020  
11:53 AM

(District Name)

## Consent to Evaluate/Reevaluate

|                                     |  |         |  |
|-------------------------------------|--|---------|--|
| Student's Full Name:                |  | SSID:   |  |
| Date of Birth:                      |  | Date:   |  |
| DISABILITY or SUSPECTED DISABILITY: |  | School: |  |

FOR EACH EVALUATION (INITIAL OR REEVALUATION), mark 'X' for the assessment components determined to be addressed within the multidisciplinary assessment. Mark 'E' if the assessment exists within the educational records of the student and will be considered.

| Area                                                | Needs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Area                                           | Needs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Health, Vision, Hearing, and Motor Abilities</b> | <input type="checkbox"/> Medical/Health Evaluation<br><input type="checkbox"/> Vision Exam<br><input type="checkbox"/> Functional Vision/Learning Media Assessment<br><input type="checkbox"/> Orientation and Mobility<br><input type="checkbox"/> Braille Skills Inventory<br><input type="checkbox"/> Hearing<br><input type="checkbox"/> Fine Motor<br><input type="checkbox"/> Gross Motor<br><input type="checkbox"/> Occupational Therapy<br><input type="checkbox"/> Physical Therapy<br><input type="checkbox"/> Behavior Observation<br><input type="checkbox"/> Assistive Technology<br><input type="checkbox"/> Other _____ | <b>Academic Performance</b>                    | <input type="checkbox"/> Basic Reading<br><input type="checkbox"/> Reading Comprehension<br><input type="checkbox"/> Reading Fluency<br><input type="checkbox"/> Math Calculation<br><input type="checkbox"/> Math Reasoning<br><input type="checkbox"/> Oral Expression<br><input type="checkbox"/> Listening Comprehension<br><input type="checkbox"/> Written Expression<br><input type="checkbox"/> Performance Based Tests<br><input type="checkbox"/> Criterion Referenced Tests<br><input type="checkbox"/> Curriculum Based Tests<br><input type="checkbox"/> Behavior Observations:<br>Specify Areas: _____<br><input type="checkbox"/> Other _____ |
| <b>General Intelligence</b>                         | <input type="checkbox"/> Cognitive / Intellectual Assessment (aptitude and mental processing)<br><input type="checkbox"/> Behavior Observation<br><input type="checkbox"/> Other _____                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Social and Emotional Status</b>             | <input type="checkbox"/> Adaptive Behavior/Self-Help<br><input type="checkbox"/> Behavior Observation<br><input type="checkbox"/> Behavior Rating Scale<br><input type="checkbox"/> Functional Behavioral Assessment<br><input type="checkbox"/> Other _____                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Communication Status</b>                         | <input type="checkbox"/> Receptive Language<br><input type="checkbox"/> Expressive Language<br><input type="checkbox"/> Speech Sound Production<br><input type="checkbox"/> Voice<br><input type="checkbox"/> Fluency<br><input type="checkbox"/> Oral Mechanism<br><input type="checkbox"/> Hearing<br><input type="checkbox"/> Behavior Observation<br><input type="checkbox"/> Augmentative Communication<br><input type="checkbox"/> Other _____                                                                                                                                                                                    | <b>Vocational Evaluation/ Transition Needs</b> | <input type="checkbox"/> Vocational Aptitude<br><input type="checkbox"/> Interest Inventory<br><input type="checkbox"/> Learning Style<br><input type="checkbox"/> Behavior Observations<br><input type="checkbox"/> Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Other</b>                                        | <input type="checkbox"/> Social and Developmental History<br><input type="checkbox"/> RTI Data<br><input type="checkbox"/> Specify: _____ <input type="checkbox"/> IEP Progress Data<br><input type="checkbox"/> State Assessment Data                                                                                                                                                                                                                                                                                                                                                                                                  |                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|  |  |
|--|--|
|  |  |
|--|--|



### Consent to Evaluate/Reevaluate

|                      |  |       |  |
|----------------------|--|-------|--|
| Student's Full Name: |  | SSID: |  |
|----------------------|--|-------|--|

List the recommendations for student needs (e.g., glasses, hearing aids) any modifications/adaptations of evaluation instruments, procedures, or settings to be used for the evaluation (i.e., native language, mode of communication, cultural factors).

List existing reports/assessment data, which will be used as a part of the multi-disciplinary assessment:

### Parental Consent

I agree, based upon the recommendations of the Admission and Release Committee (ARC), to an individual evaluation for my child/student. I understand the attached ARC Conference Summary explains this proposal and outlines specific evaluation procedures.

I agree for evaluation in each of the ARC selected areas for assessment indicated below:

- |                                                |                                                                      |
|------------------------------------------------|----------------------------------------------------------------------|
| <input type="checkbox"/> Health                | <input type="checkbox"/> Vision                                      |
| <input type="checkbox"/> Hearing               | <input type="checkbox"/> Social and Emotional Status                 |
| <input type="checkbox"/> General Intelligence  | <input type="checkbox"/> Academic Performance                        |
| <input type="checkbox"/> Communication Status  | <input type="checkbox"/> Motor Abilities                             |
| <input type="checkbox"/> Vocational Evaluation | <input type="checkbox"/> Functional Vision/Learning Media Assessment |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Other (Specify) _____                       |

I understand that the evaluation will be conducted by a multidisciplinary team of qualified staff from the school district or by agencies/professionals with whom the local education agency contracts, through the use of a variety of assessment tools and strategies which may include norm-referenced and performance based testing, behavior observations, interviews, and rating scales. The tests are selected and administered so as not to be discriminatory on a racial or cultural basis and administered appropriately for individuals with limited English proficiency. Assessments will be administered in the child/student's native language or other mode of communication. [300.532 (a) (1) (ii)] Upon completion of the tests and other evaluation materials an Admissions and Release Committee meeting will be held to determine whether your child is a child with a disability.

I understand that records will not be released without my signed and written consent except under the provisions of the Family Education Rights and Privacy Act (FERPA). This law allows the release of educational records to a public school or educational agency as described in the sending district's policies and procedures.

I have been advised in my native language or other mode of communication and understand the contents of the consent. A copy and explanation of procedural safeguards has been provided to me. I understand that my consent is voluntary and may be revoked at any time. Should I revoke consent I understand that it is not retroactive. If this is a Reevaluation, failure to respond to a request for consent shall result in the school district proceeding with the special education evaluation.

- ☐ Yes, I understand the above information and do give my consent for a full individual evaluation in the area(s) listed above.
- ☐ For Reevaluation purposes, I acknowledge that there is no additional data needed to determine that my child/student continues to be a child/student with an educational disability. I have been informed of the reasons no additional data is needed. I understand that I may request further assessment should I feel it is needed.
- ☐ No, I understand the above information **and do not** give my consent.

\_\_\_\_\_  
Parent/Student Signature

Date \_\_\_\_\_

# Eligibility Determination

Friday, June 19, 2020  
12:04 PM

Enter District Name Here

## Orthopedic Impairment (OI) Eligibility Determination Form

*Attachment to Admissions and Release Committee (ARC) Conference Summary*

|                                                                                               |                                                                                          |
|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Initial Determination of Eligibility for this Category of Disability | <input type="checkbox"/> Re-Determination of Eligibility for this Category of Disability |
| Student's Full Name:                                                                          | SSID:                                                                                    |
| Date of Birth:                                                                                | Date of Eligibility Determination:                                                       |
| School:                                                                                       |                                                                                          |

The ARC determines a student to have an **orthopedic impairment** and is eligible for specially designed instruction and related services when:

| Complete During ARC                                   | The ARC compared and analyzed evaluation data and documents the following interpretation: |                                                                                                                                  |
|-------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Y <input type="checkbox"/> N | 1.                                                                                        | A severe orthopedic impairment exists and is caused by one or more of the following:                                             |
|                                                       | 1a.                                                                                       | <input type="checkbox"/> congenital anomaly such as clubfoot or absence of some member                                           |
|                                                       | 1b.                                                                                       | <input type="checkbox"/> disease such as poliomyelitis or bone tuberculosis                                                      |
|                                                       | 1c.                                                                                       | <input type="checkbox"/> other causes such as cerebral palsy, amputations, fractures or burns that cause contractures            |
| <input type="checkbox"/> Y <input type="checkbox"/> N | 2.                                                                                        | Evaluation information confirms there is an adverse effect on educational performance.                                           |
| <input type="checkbox"/> Y <input type="checkbox"/> N | 3.                                                                                        | Evaluation information confirms lack of instruction in reading and math is not a determinant factor in the eligibility decision. |
| <input type="checkbox"/> Y <input type="checkbox"/> N | 4.                                                                                        | Evaluation information confirms limited English proficiency is not a determinant factor in the eligibility decision.             |

On the following page provide supporting documentation that demonstrates the ARC:

- Used multiple sources to triangulate the data and substantiate the existence of the disability; and
- Confirmed the progress of the student is impeded by the disability to the extent the student's educational performance is significantly and consistently below the level of similar age peers.

**Orthopedic Impairment  
Eligibility Determination Form**

|                           |       |
|---------------------------|-------|
| Student's Full Name:      | SSID: |
| Supporting Documentation: |       |

The ARC used the interpretation of the evaluation data documented above to determine:

- ☐ The student meets the eligibility criteria for an orthopedic impairment, which adversely impacts his/her education, and is eligible for specially designed instruction and related services.
- ☐ The student does not meet the eligibility criteria for an orthopedic impairment and is not eligible for specially designed instruction and related services.
- ☐ The student has an orthopedic impairment, but it does not adversely impact his/her education; therefore, the student is not eligible for specially designed instruction and related services.
- ☐ Evaluation data are insufficient to determine eligibility. Additional assessments and data will be obtained in the area(s) of:

The ARC will reconvene by \_\_\_\_\_ to review and determine eligibility.

## Prior Written Notice

Friday, June 19, 2020  
3:21 PM

Date: \_\_\_\_\_

☐ First Notice

☐ Second Notice

☐ Third Notice

**Enter District Name Here**

**NOTICE OF ADMISSIONS AND RELEASE COMMITTEE MEETING**

Dear \_\_\_\_\_,

I am inviting you to attend a conference to discuss the educational needs of:

\_\_\_\_\_  
Student's Full Name

\_\_\_\_\_  
Date of Birth

**PURPOSE FOR CONFERENCE** (Check all which apply):

- ☐ To discuss a referral for an individual evaluation  
☐ To discuss results of an individual evaluation and develop an IEP if eligible  
☐ To develop, review, and/or revise the student's IEP and make placement decisions  
☐ To discuss post-secondary transition needs and/or services  
☐ To determine reevaluation needs ☐ To discuss disciplinary action  
☐ At your request to discuss: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

**This conference has been scheduled for:**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Address (Optional):** \_\_\_\_\_

Other persons who have been invited to attend this meeting include:

- |                                                                   |                                                      |                                                    |
|-------------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Chairperson (or District Representative) | <input type="checkbox"/> Regular Education Teacher   | <input type="checkbox"/> Special Education Teacher |
| <input type="checkbox"/> Educational Diagnostician                | <input type="checkbox"/> Speech-Language Pathologist | <input type="checkbox"/> Physical Therapist        |
| <input type="checkbox"/> School Psychologist                      | <input type="checkbox"/> Occupational Therapist      | <input type="checkbox"/> Student                   |
| <input type="checkbox"/> Other (Specify): _____                   | <input type="checkbox"/> Other (Specify): _____      |                                                    |

Agencies that have been invited to send a representative to discuss Transition needs and/or services (Required, if appropriate, by the child's 16<sup>th</sup> birthday and thereafter)

- ☐ Vocational Rehabilitation ☐ Other (Specify): \_\_\_\_\_ ☐ Not Appropriate at this time

You are welcome to bring any information, including formal or informal test results, work samples, etc. to the meeting. You may bring someone who has knowledge or special expertise regarding the student or someone to assist you at the meeting if you would like.

If you need us to schedule the conference at a different time, date, or location or if you require an interpreter please:

- call the District Representative listed below at the telephone number provided, or
- complete the bottom of this form and return it to the District Representative.

Sincerely,

\_\_\_\_\_  
Name of District Representative

\_\_\_\_\_  
Telephone Number

**Call or complete and return to the student's school.**

**Name of Student:** \_\_\_\_\_

- ☐ I will be attending this meeting ☐ I will NOT be attending this meeting

☐ I would like this meeting rescheduled – Suggested Date, Time and Location:

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_ **Location:** \_\_\_\_\_

☐ I need to participate through alternate means: ☐ Phone Conference – Phone No.: \_\_\_\_\_

☐ Other \_\_\_\_\_

☐ I need an interpreter to attend the ARC Meeting **Type of Interpreter:** \_\_\_\_\_

**Parent Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*Notice of Admissions and Release Committee Meeting  
Revised 9/16/2011*

# IEP

Friday, June 19, 2020  
3:17 PM

Student Name:  
DOB:

KY IEP, Page 1  
Date of ARC:

## Individual Education Program (IEP)

| Plan Information    |             |                     |  |
|---------------------|-------------|---------------------|--|
| Meeting Date:       | Start Date: | End Date:           |  |
| Special Ed Status:  |             | Special Ed Setting: |  |
| Primary Disability: |             |                     |  |

| Student Information   |                        |                 |                        |
|-----------------------|------------------------|-----------------|------------------------|
| Student Name:         | DOB:                   | Student Number: |                        |
| Address:              | District of Residence: |                 |                        |
| School of Attendance: | Grade:                 | Gender:         | Race (Ethnicity Code): |

| Present Level of Academic Achievement and Functional Performance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Present Levels of Academic Achievement and Functional Performance, including how the disability affects the student's involvement and progress in the general curriculum:</b><br><br>(For preschool children include the effect on participation in appropriate activities. Beginning in the child's 8th grade year or when the child has reached the age of 14, a statement of transition needs is included.)<br><br><b>Communication Status</b><br><br><input type="checkbox"/> Performance commensurate with similar age peers<br><br><b>Academic Performance</b><br><br><input type="checkbox"/> Performance commensurate with similar age peers<br><br><b>Health, Vision, Hearing, Motor Abilities</b><br><br><input type="checkbox"/> Not an area of concern at this time<br><br><b>Social and Emotional Status</b><br><br><input type="checkbox"/> Performance commensurate with similar age peers<br><br><b>General Intelligence</b><br><br><input type="checkbox"/> Performance commensurate with similar age peers<br><br><b>Functional Vision/Learning Media Assessment</b><br><br><input type="checkbox"/> Not an area of concern at this time<br><br><b>Functional Hearing, Listening, &amp; Communication Assessment</b><br><br><input type="checkbox"/> Not an area of concern at this time |

KY IEP (Revised 6/2016)

Student Name:

KY IEP, Page 2

DOB:

Date of ARC:

**Present Level of Academic Achievement and Functional Performance**

**Transition Needs**

- ☐ Not an area of concern at this time (Checking this box is not an option when the student is in the 8th Grade or 14 years or older because transition must be addressed for these students)

Check all areas of need as identified by the Admissions and Release Committee (More than one area may be checked.)

- |                                                           |                                                              |
|-----------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Instruction                      | <input type="checkbox"/> Related services                    |
| <input type="checkbox"/> Community Experiences            | <input type="checkbox"/> Employment                          |
| <input type="checkbox"/> Daily Living Skills              | <input type="checkbox"/> Post School Adult Living Objectives |
| <input type="checkbox"/> Functional Vocational Evaluation |                                                              |

**Transition Services Needs**

(Beginning in the child's 8th grade year or when the child has reached the age of 14 and thereafter)

**What transition assessments were used to determine the child's preference and interests?** (Check all that apply)

- |                                                   |                                                 |
|---------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Student Interview        | <input type="checkbox"/> Student Survey         |
| <input type="checkbox"/> Student Portfolio        | <input type="checkbox"/> Vocational Assessments |
| <input type="checkbox"/> Interest Inventory       | <input type="checkbox"/> Parent Interview       |
| <input type="checkbox"/> Career Awareness         | <input type="checkbox"/> Career Aptitude        |
| <input type="checkbox"/> Individual Learning Plan | <input type="checkbox"/> Other:                 |

**Needs Related to The Course of Study - See Present Levels of Performance**

- ☐ The Multi Year Course of Study is included with this IEP.
- ☐ The Multi Year Course of Study has been uploaded and attached.

**Do transition service needs focus on the child's course of study and are they addressed in the Present Levels?**

- ☐ No ☐ Yes

**Postsecondary Goal(s)**

(By age 16, or younger if appropriate, and thereafter)

**Postsecondary Goal(s) Related to Education/Training & Employment**

After high school, \_\_\_\_\_'s goal is to \_\_\_\_\_ to be able to

a.

| Transition Service | Agency Responsible |
|--------------------|--------------------|
|                    |                    |
|                    |                    |
|                    |                    |
|                    |                    |
|                    |                    |

After graduation, Student's goal is to \_\_\_\_\_

KY IEP (Revised 6/2016)



Student Name:

KY IEP, Page 3

DOB:

Date of ARC:

| <b>Postsecondary Goal(s)</b><br>(By age 16, or younger if appropriate, and thereafter) |                    |
|----------------------------------------------------------------------------------------|--------------------|
| to be able to                                                                          |                    |
| Transition Service                                                                     | Agency Responsible |
|                                                                                        |                    |
|                                                                                        |                    |
|                                                                                        |                    |
|                                                                                        |                    |
|                                                                                        |                    |

| Upon completion of high school, Student's goal is to _____ to be able to |                    |
|--------------------------------------------------------------------------|--------------------|
| Transition Service                                                       | Agency Responsible |
|                                                                          |                    |
|                                                                          |                    |
|                                                                          |                    |
|                                                                          |                    |
|                                                                          |                    |

| <b>Postsecondary Goal(s) Related to Independent Living</b> |                    |
|------------------------------------------------------------|--------------------|
| After high school, Student's goal is to                    |                    |
| Transition Service                                         | Agency Responsible |
|                                                            |                    |
|                                                            |                    |
|                                                            |                    |
|                                                            |                    |
|                                                            |                    |

| After graduation, Student's goal is to |                    |
|----------------------------------------|--------------------|
| Transition Service                     | Agency Responsible |
|                                        |                    |
|                                        |                    |
|                                        |                    |

KY IEP (Revised 6/2016)

**Student Name:**  
**DOB:**

KY IEP, Page 4  
**Date of ARC:**

| <b>Postsecondary Goal(s)</b><br>(By age 16, or younger if appropriate, and thereafter) |  |
|----------------------------------------------------------------------------------------|--|
|                                                                                        |  |
|                                                                                        |  |
|                                                                                        |  |

| Upon completion of high school, Student's goal is to |                           |
|------------------------------------------------------|---------------------------|
| <b>Transition Service</b>                            | <b>Agency Responsible</b> |
|                                                      |                           |
|                                                      |                           |
|                                                      |                           |
|                                                      |                           |
|                                                      |                           |

| <b>Course of Study</b>                                                                                 |               |               |               |
|--------------------------------------------------------------------------------------------------------|---------------|---------------|---------------|
| <b>Proposed courses of study to assist the student in reaching the measurable postsecondary goals.</b> |               |               |               |
| <b>Grade:</b>                                                                                          | <b>Grade:</b> | <b>Grade:</b> | <b>Grade:</b> |
|                                                                                                        |               |               |               |
|                                                                                                        |               |               |               |
|                                                                                                        |               |               |               |
|                                                                                                        |               |               |               |
|                                                                                                        |               |               |               |
|                                                                                                        |               |               |               |
|                                                                                                        |               |               |               |
|                                                                                                        |               |               |               |

| <b>Transfer of Rights at Age of Majority</b>                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If applicable, one year before the student reaches age 18 the student and parent have been informed of the student's rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer on reaching the age of majority. |
| Date student was first informed of the transfer of rights: _____                                                                                                                                                                                         |

| <b>Consideration of Special Factors for IEP Development</b><br>(The ARC MUST address each question below and consider these issues in the review and revision of the IEP.)                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Does the child's behavior impede his/her learning or that of others?<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>If <b>Yes</b> , consider, if appropriate, strategies, including positive behavioral intervention strategies and supports to address that behavior. |
| Does the child have limited English proficiency?<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>If <b>Yes</b> , what is the relationship of language needs to the IEP?                                                                                                 |

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### Consideration of Special Factors for IEP Development

(The ARC MUST address each question below and consider these issues in the review and revision of the IEP.)

Is the child blind or visually impaired? ☐ Yes ☐ No If Yes, the IEP Team must consider:

- Is instruction in Braille needed? ☐ Yes ☐ No
- Is use of Braille needed? ☐ Yes ☐ No
- Will Braille be the student's primary mode of communication? ☐ Yes ☐ No

(See evaluation data for supporting evidence.)

For Math & Science, student will need: (Please check one)

- ☐ Unified English Braille (UEB) only  
☐ Unified English Braille (UEB) w/Nemeth Code

Does the child have communication needs? ☐ Yes ☐ No If Yes, specify below:

☐ See Present Levels for Communication Status  
☐ Other (Specify):

Is the child deaf or hard of hearing? ☐ Yes ☐ No If Yes, the IEP Team must consider:

- The child's language and communication needs; Describe:  
☐ See Present Levels for Communication Status and Functional Hearing, Listening and Communication Assessment.  
☐ Other (Specify):
- Opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level and full range of needs; Describe:
- Any necessary opportunities for direct instruction in the child's language and communication mode. Describe:

Are assistive technology devices and services necessary in order to implement the child's IEP?  
☐ Yes ☐ No

If Yes, include appropriate devices in the 'Statement of Devices/Services' below.

**Statement of Devices/Services:** If the ARC answers Yes to any of the questions above, include a statement of services and or devices to be provided to address the above special factors.

- ☐ See Specially Designed Instruction  
☐ See Supplemental Aids and Services  
☐ See Behavior Intervention Plan  
☐ Other (Specify):

### Measurable Annual Goals and Benchmarks

Annual Measurable Goal (# 1):

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| Measurable Annual Goals and Benchmarks                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Method(s) of Measurement:</b>                                                                                                                                                                                                                                                                                                  |
| <b>Specially Designed Instruction:</b>                                                                                                                                                                                                                                                                                            |
| <b>For the IEP to be in effect by the child's 16th birthday and thereafter:</b><br>This annual goal will reasonably enable the student to meet the student's postsecondary goal in the area(s) of:<br><input type="checkbox"/> Education/training <input type="checkbox"/> Employment <input type="checkbox"/> Independent living |
| <b>Benchmarks/Short-Term Instructional Objectives</b>                                                                                                                                                                                                                                                                             |
| 1.                                                                                                                                                                                                                                                                                                                                |
| 2.                                                                                                                                                                                                                                                                                                                                |
| 3.                                                                                                                                                                                                                                                                                                                                |
| <b>Annual Measurable Goal (# 2):</b>                                                                                                                                                                                                                                                                                              |
| <b>Method(s) of Measurement:</b>                                                                                                                                                                                                                                                                                                  |
| <b>Specially Designed Instruction:</b>                                                                                                                                                                                                                                                                                            |
| <b>For the IEP to be in effect by the child's 16th birthday and thereafter:</b><br>This annual goal will reasonably enable the student to meet the student's postsecondary goal in the area(s) of:<br><input type="checkbox"/> Education/training <input type="checkbox"/> Employment <input type="checkbox"/> Independent living |
| <b>Benchmarks/Short-Term Instructional Objectives</b>                                                                                                                                                                                                                                                                             |
| 1.                                                                                                                                                                                                                                                                                                                                |
| 2.                                                                                                                                                                                                                                                                                                                                |
| 3.                                                                                                                                                                                                                                                                                                                                |
| <b>Annual Measurable Goal (# 3):</b>                                                                                                                                                                                                                                                                                              |
| <b>Method(s) of Measurement:</b>                                                                                                                                                                                                                                                                                                  |
| <b>Specially Designed Instruction:</b>                                                                                                                                                                                                                                                                                            |
| <b>For the IEP to be in effect by the child's 16th birthday and thereafter:</b><br>This annual goal will reasonably enable the student to meet the student's postsecondary goal in the area(s) of:<br><input type="checkbox"/> Education/training <input type="checkbox"/> Employment <input type="checkbox"/> Independent living |
| <b>Benchmarks/Short-Term Instructional Objectives</b>                                                                                                                                                                                                                                                                             |
| 1.                                                                                                                                                                                                                                                                                                                                |
| 2.                                                                                                                                                                                                                                                                                                                                |

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| Measurable Annual Goals and Benchmarks                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.                                                                                                                                                                                                                                                                                                                                |
| <b>Annual Measurable Goal (# 4):</b>                                                                                                                                                                                                                                                                                              |
| <b>Method(s) of Measurement:</b>                                                                                                                                                                                                                                                                                                  |
| <b>Specially Designed Instruction:</b>                                                                                                                                                                                                                                                                                            |
| <b>For the IEP to be in effect by the child's 16th birthday and thereafter:</b><br>This annual goal will reasonably enable the student to meet the student's postsecondary goal in the area(s) of:<br><input type="checkbox"/> Education/training <input type="checkbox"/> Employment <input type="checkbox"/> Independent living |
| <b>Benchmarks/Short-Term Instructional Objectives</b>                                                                                                                                                                                                                                                                             |
| 1.                                                                                                                                                                                                                                                                                                                                |
| 2.                                                                                                                                                                                                                                                                                                                                |
| 3.                                                                                                                                                                                                                                                                                                                                |
| <b>Annual Measurable Goal (# 5):</b>                                                                                                                                                                                                                                                                                              |
| <b>Method(s) of Measurement:</b>                                                                                                                                                                                                                                                                                                  |
| <b>Specially Designed Instruction:</b>                                                                                                                                                                                                                                                                                            |
| <b>For the IEP to be in effect by the child's 16th birthday and thereafter:</b><br>This annual goal will reasonably enable the student to meet the student's postsecondary goal in the area(s) of:<br><input type="checkbox"/> Education/training <input type="checkbox"/> Employment <input type="checkbox"/> Independent living |
| <b>Benchmarks/Short-Term Instructional Objectives</b>                                                                                                                                                                                                                                                                             |
| 1.                                                                                                                                                                                                                                                                                                                                |
| 2.                                                                                                                                                                                                                                                                                                                                |
| 3.                                                                                                                                                                                                                                                                                                                                |
| <b>Reporting Progress</b>                                                                                                                                                                                                                                                                                                         |
| <input type="checkbox"/> Concurrent with the issuance of Report Cards<br><input type="checkbox"/> Other, specify                                                                                                                                                                                                                  |
| <b>Supplementary Aids and Services</b>                                                                                                                                                                                                                                                                                            |
| Statement of Supplementary Aids and Services, to be provided to the child or on behalf of the child.                                                                                                                                                                                                                              |

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| Accommodations for Administration of State Assessments and Assessments in the Classroom                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> ARC determined no accommodations needed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>In order to justify appropriateness of accommodations for any state mandated tests, the testing accommodations must be used consistently as part of routine instruction and classroom assessment as well as meet all additional requirements established by the <b><i>Inclusion of Special Populations in the State-Required Assessment and Accountability Programs, 703 KAR 5:070</i></b> document.</p> <p><b>NOTE:</b> The Kentucky Administrative Regulations regarding accommodations on state testing dictate whether a student may use a particular accommodation during the administration of state tests. Any IEP test accommodation that the regulations determine will invalidate a particular test or type of test <b><u>shall not</u></b> be utilized in administration of such tests to the student.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                |
| <input type="checkbox"/> Readers<br><input type="checkbox"/> Paraphrasing<br><input type="checkbox"/> Reinforcement and behavior modification strategies<br><input type="checkbox"/> Manipulatives<br><input type="checkbox"/> Interpreters<br><input type="checkbox"/> Other, specify:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> Scribes<br><input type="checkbox"/> Calculator<br><input type="checkbox"/> Use of Technology<br><input type="checkbox"/> Braille<br><input type="checkbox"/> Extended time<br><div style="display: flex; justify-content: space-between; margin-top: 10px;"> <input type="checkbox"/> Time and a Half                     <input type="checkbox"/> Double Time                 </div> |

| Kentucky Alternate Assessment Participation Guidelines Documentation Form                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>**For further clarification of terms used in this worksheet, please refer to the Guidance for Admissions &amp; Release Committee(ARCs) on Participation Decisions for the KY Alternate Assessment.</b></p> <p><b>**All answers to Participation Criterion <i>must</i> be answered Yes in order to be eligible to participate in the KY Alternate Assessment.</b></p>                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                            | <p>The parent was provided a copy of the Alternate Assessment Parent Guide with an opportunity to ask questions. <b>If yes</b>, indicate below when the Guide was provided to the parents. <b>If no</b>, provide a copy of the Alternate Assessment Parent Guide and an opportunity to ask questions.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <input type="checkbox"/> Prior to Meeting<br/> <input type="checkbox"/> During Meeting<br/> <input type="checkbox"/> Other<br/>                     Date Guide Provided to Parents: _____                 </div>                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                            | <p>The Admissions and Release Committee has explained the difference between an <b><u>Alternative High School Diploma (704 KAR 3:305)</u></b> and a <b><u>Regular High School Diploma</u></b> to all members of the ARC.</p> <p><i>Participation in the KY Alternate Assessment is stated in the IEP and based on the annual review.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Participation Criterion #1 (questions to determine eligibility):                                                                                                                                                                                                                                                                                                                                                                    | Response (Answer to Criterion):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Sources of Evidence and Justification (Check and complete after sources have been reviewed and documented in the conference summary)                                                                                                                                                                                                                                                                                                                                                                                |
| <p>1. Has the student been determined to be a student with a disability eligible to receive special education services under the Individuals with Disabilities Education Act (IDEA)?</p> <p><input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>2. Is a current Individual Education Program (IEP) in place or being developed for the student?</p> <p><input type="checkbox"/> Yes   <input type="checkbox"/> No</p> | <div style="margin-bottom: 20px;"> <input type="checkbox"/> <b>If NO to either question. Stop here.</b><br/>                     The student must meet Special Education Determination for Eligibility criteria in one or more disability categories defined in Kentucky Administrative Regulations (KAR). The student is <b>not eligible</b> to participate in the KY Alternate Assessment. The ARC <b>must</b> determine state approved accommodations (as set forth in 703 KAR 5:070) in the general assessment, if any, refer to the accommodations and modifications form. Document on IEP and conference summary.                 </div> <input type="checkbox"/> <b>If YES to both.</b> If the student meets the Special Education Determination | <div style="margin-bottom: 20px;"> <input type="checkbox"/> Evaluation Data<br/>                     Date: _____                 </div> <div style="margin-bottom: 20px;"> <input type="checkbox"/> Disability Eligibility Determination Form (required)<br/>                     Date: _____                 </div> <div style="margin-bottom: 20px;"> <input type="checkbox"/> Individual Education Program (required)<br/>                     Date: _____                 </div> <input type="checkbox"/> Other |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | for Eligibility criteria in one or more disability categories, <b>continue to Criterion #2.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Participation Criterion #2:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Response (Answer to Criterion):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Sources of Evidence and Justification</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>1. The student's demonstrated cognitive functioning <b>and</b> adaptive behavior in the home, school and community environments are significantly below age expectations, <b>even with</b> program modifications and accommodations.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. ARC reviewed current and longitudinal data across settings (age appropriate home, school, and community environments) in all academic areas AND adaptive behavior(s), to inform the ARC decision.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p><input type="checkbox"/> <b>If NO to either question. Stop here.</b><br/>The student does not have a significant cognitive disability. The student is not eligible to participate in the KY Alternate Assessment. The ARC must determine state approved accommodations (as set forth in 703 KAR 5:070) in the general assessment, if any, refer to the accommodations and modifications form. Document on IEP and conference summary.</p> <p><input type="checkbox"/> <b>If YES to both. Continue to Criterion #3.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><input type="checkbox"/> Evaluation Data (required)<br/>Date:</p> <p><input type="checkbox"/> Individual Education Program (required)<br/>Date:</p> <p><input type="checkbox"/> Previous IEP (required if available)<br/>Date:</p> <p><input type="checkbox"/> Progress Monitoring Data (required)</p> <p><input type="checkbox"/> Teacher Observations (optional)</p> <p><input type="checkbox"/> Other</p> <p><input type="checkbox"/> Supporting Comments (optional)</p>                                                                                                                                                                     |
| <b>Participation Criterion #3:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Response (Answer to Criterion):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Sources of Evidence and Justification</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>1. Does the student require extensive individual direct instruction across multiple settings, utilizing intensive accommodations, modifications and assistive technology to access and make progress on the Kentucky Academic Standards and to maintain and generalize learning.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. ARC reviewed current and longitudinal data across settings (age appropriate home, school, and community environments) to inform the ARC decision.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>     | <p><input type="checkbox"/> <b>NO to either question. Stop here.</b><br/>The ARC determines that the student <b>does not</b> require direct instruction across multiple settings and/or accommodations, modifications, and supports that exceed what is allowed on the general assessments for students as described in the "Inclusion Document" and set forth in 703 KAR 5:070. The student is <b>not eligible</b> to participate in the KY Alternate Assessment. The ARC <b>must</b> determine state approved accommodations (as set forth in 703 KAR 5:070) in the general assessment, if any, refer to the accommodations and modifications form. Document on IEP and conference summary.</p> <p><input type="checkbox"/> <b>Yes to both.</b> The student requires extensive direct individual instruction in multiple settings and substantial supports to achieve measurable gains in the grade and age appropriate curriculum that <b>do exceed</b> what is allowed on the general assessments for students as described in the "Inclusion Document" and set forth in 703 KAR 5:070, <b>Continue to Criterion #4.</b></p> | <p><input type="checkbox"/> Evaluation Data<br/>Date:</p> <p><input type="checkbox"/> Disability Eligibility Determination Form<br/>Date:</p> <p><input type="checkbox"/> Individual Education Program (required)<br/>Date:</p> <p><input type="checkbox"/> Progress Monitoring (required)</p> <p><input type="checkbox"/> Assistive Technology Consideration Guide (optional)<br/>Date:</p> <p><input type="checkbox"/> Documentation of Accommodations Determination (required)<br/>Date:</p> <p><input type="checkbox"/> Parent Input (required)</p> <p><input type="checkbox"/> Teacher Observations</p> <p><input type="checkbox"/> Other</p> |
| <b>Participation Criterion #4:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Response (Answer to Criterion):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Sources of Evidence and Justification</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1. Did the ARC carefully consider (check as                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/> <b>If NO to either question. Stop here.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/> Supporting Comments (optional)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>considered) each of these items:</p> <p><input type="checkbox"/> Excessive or extended absences</p> <p><input type="checkbox"/> Disability related to visual or auditory disabilities, emotional-behavioral disabilities, specific learning disabilities, speech and language impairment</p> <p><input type="checkbox"/> Native language, social, cultural, and economic differences</p> <p><input type="checkbox"/> Those identified as English Language Learners (ELL)</p> <p><input type="checkbox"/> Pre-determined poor performance on the grade-level assessment</p> <p><input type="checkbox"/> The student displays disruptive behaviors or experiences emotional duress during testing</p> <p><input type="checkbox"/> Administrator decision</p> <p><input type="checkbox"/> Educational placement or instructional setting</p> <p>2. The ARC's decision for the student to participate in the KY Alternate Assessment is not primarily the result of any of the exclusions listed above.</p> <p><input type="checkbox"/> Yes (Agree)   <input type="checkbox"/> No</p> | <p>Any criterion that is not checked means that the student is not eligible to participate in the KY Alternate Assessment. The student is <b>not eligible</b> to participate in the KY Alternate Assessment. The ARC <b>must</b> determine state approved accommodations (as set forth in 703 KAR 5:070) in the general assessment, if any, refer to the accommodations and modifications form. Document on IEP and conference summary.</p> <p><input type="checkbox"/> <b>If YES to both.</b> All necessary exclusions were considered. <b>Continue to ARC Eligibility Determination.</b></p> |                                                                                                                                                                          |
| <p><b>ARC Eligibility Determination:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p><b>Response (Answer to Eligibility Determination):</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><b>Statement of Eligibility:</b></p>                                                                                                                                  |
| <p>1. The student meets the participation guidelines for KY Alternate Assessment as a student with a significant cognitive disability and is eligible to receive instruction based upon alternate academic achievement standards and participate in the KY Alternate Assessment as indicated above.</p> <p>All data sources referenced can be verified with supporting documentation.</p> <p><input type="checkbox"/> Yes   <input type="checkbox"/> No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><input type="checkbox"/> <b>NO. Stop here.</b> The student is <b>not eligible</b> to participate in the KY Alternate Assessment. The ARC <b>must</b> determine state approved accommodations (as set forth in 703 KAR 5:070) in the general assessment, if any, refer to the accommodations and modifications form. Document on IEP and conference summary.</p> <p><input type="checkbox"/> <b>Yes.</b> All participation Criterion #1 - #4 are answered Yes, the student is eligible to participate in the KY Alternate Assessment. <b>Continue with documentation form below.</b></p>     | <p><input type="checkbox"/> Supporting Comments (required)</p>                                                                                                           |
| <p><b>Documentation Questions:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Response (Answer to Documentation Questions):</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>Sources of Evidence and Justification</b></p>                                                                                                                      |
| <p>1. The ARC reviewed and completed the Learner Characteristic Inventory (LCI) for the individual student? (See LCI Attachment below)</p> <p><input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>2. Is receptive and expressive communication addressed in the IEP?</p> <p><input type="checkbox"/> Yes   <input type="checkbox"/> No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p><input type="checkbox"/> <b>If No to either. Stop here</b> if the ARC has not reviewed or completed the LCI. The ARC <b>must</b> complete the LCI before completing this documentation form. If student is found eligible, an ARC <b>must</b> convene to develop a (or review current) communication plan as part of the student's IEP.</p> <p><input type="checkbox"/> <b>If Yes to both. Continue with documentation form below.</b></p>                                                                                                                                                  | <p><input type="checkbox"/> Learner Characteristics Inventory (required)<br/>Date:</p> <p><input type="checkbox"/> Individual Education Program (required)<br/>Date:</p> |

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**ADDITIONAL COMMENTS HERE**

**Kentucky Department of Education definition of a student with a significant cognitive disability:**

As outlined in the Kentucky Alternate Assessment Participation Guidelines Documentation form, students with the most significant cognitive disabilities:

- Meet eligibility criterion in one or more of the existing categories of disabilities under IDEA (e.g., intellectual disabilities, autism, multiple disabilities),
- Have cognitive and adaptive behavior functioning preventing them from attaining grade level achievement standards, even with program modifications and accommodations,
- Require extensive individual instruction across multiple settings to access and make progress in the Kentucky Academic Standards, and to maintain, generalize and demonstrate learning,
- Have a significant cognitive disability that is not primarily the result of:
  - excessive or extended absences
  - disability related to visual or auditory disabilities, emotional-behavioral disabilities, specific learning disabilities, speech and language impairment
  - native language, social, cultural, and economic differences,
  - those identified as English Learners (EL)
  - pre-determined poor performance on the grade-level assessment
  - the student displays disruptive behaviors or experiences emotional duress during testing
  - administrator decision
  - educational environment or instructional setting

**Learner Characteristics Inventory**

**1. Student's primary IDEA disability label:**

- ☐ Intellectual disability
- ☐ Multiple disabilities
- ☐ Autism
- ☐ Speech or Language Impairment
- ☐ Hearing Impairment
- ☐ Visual impairment, including blindness
- ☐ Traumatic brain injury
- ☐ Emotional disability
- ☐ Deaf-blindness
- ☐ Other health impairment
- ☐ Orthopedic impairment
- ☐ Specific learning disability
- ☐ Other

**2. Is your student's primary language a language other than English?**

- ☐ Yes
- ☐ No

**3. What is the student's primary classroom setting?**

- ☐ Special school
- ☐ Regular school, *self-contained special education classroom*, some special inclusion (students go to art, music, PE) but return to their special education class for most of school day.

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### Learner Characteristics Inventory

- ☐ Regular school, *primarily self-contained special education classroom*, some academic inclusion (students go to some general education academic classes (such as reading, math, science, in addition to specials) but are in general education classes less than 40% of the school day).
- ☐ Regular school, *resources room/general education class*, students receive resource room services, but are in general education classes 40% or more of the school day.
- ☐ Regular school, *general education class inclusive/collaborative* (students based in general education classes) - at least 80% of the school day is spent in general education classes.

**4. Expressive Communication** (check the best description)

- ☐ Uses symbolic language to communicate: Student uses verbal or written words, signs, Braille, or language-based augmentative systems to request, initiate, and respond to questions, describe things or events, and express refusal.
- ☐ Uses intentional communication, but not as a symbolic language level: Student uses understandable communication through such modes as gestures, pictures, objects/textures, points, etc., to clearly express a variety of intentions.
- ☐ Student communicates primarily through cries, facial expressions, change in muscle tone, etc., but no clear use of objects/textures, regularized gestures, pictures, signs, etc., to communicate.

**5. Does your student use oral speech to communicate?** (student uses his/her vocal cords to produce words)

- ☐ Yes
- ☐ No

**6. Does your student use an augmentative communication system in addition to or in place of oral speech?**

- ☐ Yes
- ☐ No

**7. Receptive Language** (check the best description)

- ☐ Independently follows 1-2 step directions presented through words (e.g. words may be spoken, signed, printed, or any combination) and does NOT need additional cues.
- ☐ Requires additional cues (e.g., gestures, pictures, objects, or demonstrations/models) to follow 1-2 step directions.
- ☐ Alerts to sensory input from another person (auditory, visual, touch, movement) BUT requires actual physical assistance to follow simple directions.
- ☐ Uncertain response to sensory stimuli (e.g., sound/voice; sight/gesture; touch; movement; smell.)

**8. Motor** (check the best description)

- ☐ No significant motor dysfunction that requires adaptations.
- ☐ Requires adaptations to support motor functioning (e.g., walker, adapted utensils, and/or keyboard).
- ☐ Uses wheelchair, positioning equipment, and/or assistive devices for most activities.
- ☐ Needs personal assistance for most/all motor activities.

**9. Engagement** (check the best description)

- ☐ Initiates and sustains social interactions.
- ☐ Responds with social interaction, but does not initiate or sustain social interactions.
- ☐ Alerts to others.
- ☐ Does not alert to others.

**10. Health Issues/Attendance** (check the best description)

- ☐ Attends at least 90% of school days.

KY IEP (Revised 6/2016)

Student Name:

KY IEP, Page 13

Student DOB:

Date of ARC:

### Learner Characteristics Inventory

- ☐ Attends approximately 75% of school days; absences primarily due to health issues.
- ☐ Attends approximately 50% or less of school days; absences primarily due to health issues.
- ☐ Receives Homebound Instruction due to health issues.
- ☐ Highly irregular attendance or homebound instruction due to issues *other* than health.

#### 11. Reading (check the best description)

- ☐ Reads fluently with critical understanding in print or Braille (e.g., to differentiate fact/opinion, point of view, emotional response, etc.)
- ☐ Reads fluently with basic (literal) understanding from paragraphs/short passages with narrative/informational texts in print or Braille.
- ☐ Reads basic sight words, simple sentences, directions, bullets, and/or lists in print or Braille.
- ☐ Aware of text/Braille, follows directionality, makes letter distinctions, or tells a story from the pictures that is not linked to the text.
- ☐ No observable awareness of print or Braille.

#### 12. Mathematics (check the best description)

- ☐ Applies computational procedures to solve real-life or routine word problems from a variety of contexts.
- ☐ Does computational procedures with or without a calculator.
- ☐ Counts with 1:1 correspondence to at least 10, and/or makes numbered sets of items.
- ☐ Counts by rote to 5.
- ☐ No observable awareness or use of numbers.

### Program Modifications/Supports for school personnel that will be provided

Supports for school personnel:

- ☐ Not needed at this time

### Least Restrictive Environment (LRE) and General Education

Explain the extent, if any, to which the student will **not** participate in general education (content area):

### Special Education Services

| Type of Service | Anticipated Frequency and Duration of Service |                                                                    |                                                      |            |          | Service Provider<br>(by Position) | Location<br>(e.g., Regular Classroom,<br>Resource Room, Separate<br>Class) |
|-----------------|-----------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------|------------|----------|-----------------------------------|----------------------------------------------------------------------------|
|                 | Service Minutes<br>(Per Service Frequency)    | Service Frequency<br>(Number of times provided per Service Period) | Service Period<br>(Daily, Weekly, Monthly, Annually) | Start Date | End Date |                                   |                                                                            |
|                 |                                               |                                                                    |                                                      |            |          |                                   |                                                                            |
|                 |                                               |                                                                    |                                                      |            |          |                                   |                                                                            |
|                 |                                               |                                                                    |                                                      |            |          |                                   |                                                                            |
|                 |                                               |                                                                    |                                                      |            |          |                                   |                                                                            |
|                 |                                               |                                                                    |                                                      |            |          |                                   |                                                                            |

KY IEP (Revised 6/2016)

**Student Name:**  
**DOB:**

KY IEP, Page 14  
**Date of ARC:**

| Related Services |                                               |                                                                    |                                                      |            |          |                                   |                                                                            |
|------------------|-----------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------|------------|----------|-----------------------------------|----------------------------------------------------------------------------|
| Type of Service  | Anticipated Frequency and Duration of Service |                                                                    |                                                      |            |          | Service Provider<br>(by Position) | Location<br>(c.g., Regular Classroom,<br>Resource Room, Separate<br>Class) |
|                  | Service Minutes<br>(Per Service Frequency)    | Service Frequency<br>(Number of times provided per Service Period) | Service Period<br>(Daily, Weekly, Monthly, Annually) | Start Date | End Date |                                   |                                                                            |
|                  |                                               |                                                                    |                                                      |            |          |                                   |                                                                            |
|                  |                                               |                                                                    |                                                      |            |          |                                   |                                                                            |
|                  |                                               |                                                                    |                                                      |            |          |                                   |                                                                            |
|                  |                                               |                                                                    |                                                      |            |          |                                   |                                                                            |
|                  |                                               |                                                                    |                                                      |            |          |                                   |                                                                            |

| Extended School Year                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Are extended school year services required for this student?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> More data needed</p> <p>If the ARC determines ESY services are to be provided, describe the service and indicate to which annual goal or goals the service is related. If the ARC determines no ESY services are to be provided, please document the reason(s) for this decision.</p> |

# Notes for the Meeting

Friday, June 19, 2020  
3:25 PM

PACER CENTER  
**ACTION**  
INFORMATION SHEETS

## IEP Team Meeting Planner

IEP for: \_\_\_\_\_

Date: \_\_\_\_\_

| My concerns            | Priority number | Based on:                            | Covered in this meeting | Result/decision |
|------------------------|-----------------|--------------------------------------|-------------------------|-----------------|
|                        |                 |                                      |                         |                 |
|                        |                 |                                      |                         |                 |
|                        |                 |                                      |                         |                 |
|                        |                 |                                      |                         |                 |
|                        |                 |                                      |                         |                 |
| I think my child needs | Priority number | Data to support this can be found in | Covered in this meeting | Result/decision |
|                        |                 |                                      |                         |                 |
|                        |                 |                                      |                         |                 |
|                        |                 |                                      |                         |                 |
|                        |                 |                                      |                         |                 |
|                        |                 |                                      |                         |                 |

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CHAMPIONS FOR CHILDREN WITH DISABILITIES

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8161 Normandale Blvd. | Minneapolis, MN 55437  
(952) 838-9000 | Fax: (952) 838-0199 | Toll free in MN: (800) 537-2237  
PACER@PACER.org | **PACER.org**

# Glossary of Terms

Friday, June 19, 2020  
3:31 PM

## KY-SPIN, Inc. Information Sheet Series Special Education Glossary of Terms



*\*NOTE: The following definitions have been compiled from a variety of sources, including projects funded by the U.S. Department of Education.*

**Accommodations** - Service or support related to a student's disability that allows her or him to fully access a given subject matter and to accurately demonstrate knowledge without requiring a fundamental alteration to the assignments or test's standard or expectation.

**Admissions and Release Committee (ARC)** - A group of individuals responsible for developing, reviewing or revising the Individual Education Program (IEP) for a child with a disability. Composed of the child's parents, child or youth if appropriate, regular education teacher of the child or youth; special education teacher of the child or a special education teacher who is knowledgeable about the child's suspected disability; representative of the LEA knowledgeable about the general curriculum and the availability of resources, an individual who can interpret the evaluation results, an individual who can interpret the instructional implication of evaluation results; an individual who has knowledge or special expertise regarding the child, related service personnel, as appropriate. Also referred to as **IEP Team**.

**Alternate Assessment** - Assessments used with students who are unable to take the typically administered standardized tests, even with accommodations; generally reserved for students with the most significant disabilities.

**Amendment** - A change, revision, or addition made to a law.

**Annual Goal** - Statements in a student's IEP that outline the major expectations for that student during the upcoming twelve months; must be objective and measurable.

**Annual Review** - Required meeting of the IEP/ARC team, including parents and school professionals, to review the student's goals for the next year.

**Assessment** - The process of gathering information, both formal and informal, and identifying a student's strengths and needs through a variety of instruments and products; the data used in making decisions.

**Assistive Technology** - Any item, service, equipment, or product system—whether acquired commercially, specially designed, or created via changes to an existing product—that is used to increase, maintain, or improve the functional capabilities in the daily life of an individual with a disability; comes in two forms, devices and services.

**Business Day** - Monday through Friday except for federal and state holidays, unless a holiday is specifically included in the designation of a business day.

**Buckley Amendment** - see Family Educational Rights and Privacy Act of 1974. A federal law allowing parent or adult students to see student records, but protecting privacy by requiring others to have permission.

**Child with a Disability (under Part B IDEA ages 3-21)** - a child with autism, deaf-blindness, developmental delay, emotional-behavior disability, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disabilities, speech or language impairment, traumatic brain injury, or visual impairment which has an adverse effect on the child's educational performance and who, as a result, needs special education and related services.

**Child Find** - A state and local program mandated by the Individuals with Disabilities Education Act (IDEA) to identify individuals with disabilities between the ages of birth - twenty-one to direct them to appropriate early intervention or educational programs. In Kentucky, Child Find is called Child Quest.

**Course of Study** - A multiyear description of coursework from the student's current school year to the anticipated exit year designed to achieve the student's desired post school goals.

**Day** - Means calendar day unless otherwise indicated as business day or school day.

**Developmental Delay (DD)** - a child within the ages of three (3) through eight (8) has not acquired skills, or achieved commensurate with recognized performance expectations for his age in one (1) or more of the following developmental areas; cognition, communication, motor development, social-emotional development, or self-help-adaptive behavior. Development delay includes a child who demonstrates a measurable, verifiable discrepancy between expected performance for the child's chronological age and current level of performance.

**Disability (under Section 504 and ADA)** - defined as impairment that substantially affects one or more major life activities; an individual who has a record of having such impairment, or is regarded as having such an impairment.

**Due Process** (procedure) - action that protects a person's rights; in special education, this applies to action taken to protect the educational rights of students with disabilities.

**Early Intervening** - Instructional intervention in which assistance or services are offered to students as soon as they begin to struggle academically and before they fall too far behind their peers.

**Early Intervention (EI)** - Providing services and programs to infants and toddlers (under age three) with disabilities in order to minimize or eliminate the disabilities as they mature.

**Education records** - Records as defined in the Family Educational Rights and Privacy Act of 1974.

**English as a Second Language (ESL)** - Instructional approach in which non-native speakers are instructed in English until a level of proficiency is achieved; does not provide support in the student's native or primary language; also referred to as English for speakers of other languages (ESOL).

**Evaluation** - Assessment or judgment of special characteristics such as intelligence, physical abilities, sensory abilities, learning preferences, and achievement.



**Executive Functions** - The mental processes that control and coordinate activities related to learning, including processing information, retaining and recalling information, organizing materials and time, and using effective learning and study strategies.

**Extended school services** - Means specifically designed instruction and related services that are provided to a child with a disability beyond the normal school year in accordance with the child's IEP at no cost to the parents.

**Families Educational Rights and Privacy Act (The Buckley Amendment) (FERPA)** - is a federal law, enacted in 1984. It gives all parents of students under the ages of 18 and all students over the ages of 18 or attending post-secondary schools, the right to see, correct and control access to student records.

**Family Resource/Youth Services Centers (FRYSC)** - Centers established in or near Kentucky schools where at least 20 percent of students qualify for free or reduced-price meals. Family resource centers serve elementary schools; youth services centers serve middle and high schools. Centers provide resources and referrals for students and families.

**Free Appropriate Public Education - (FAPE)** - means special education and related services that are provided at public expense and under public supervision and direction. Meets the standards of the State educational agency. Includes preschool, elementary school, or secondary school education in the state; are provided in conformity with an individual education program that meets the requirement of state regulations.

**Functional Behavior Assessment (FBA)** - A process to determine the underlying causes or functions of a child's behavior that is keeping the child from learning or causing him to disrupt his peers' learning. For example, is the child using the behavior to get attention? To escape from a situation that he/she finds overwhelming? Included in the assessment is identification of when the behavior does and does not occur (what the antecedents are), what the child receives in return for the behavior (the consequences), and possible ways of replacing those behaviors.

**Functional Goals** - Goals that are designed to meet the needs of a child that result from the child's disability and enable the child to be involved in and make progress in the general education curriculum or meet the child's other educational needs resulting from his disability.

**Functional Performance** - How the child's disability affects his involvement and progress in the general education curriculum (i.e., the same curriculum used for children without disabilities). Or, for preschool children, how the disability affects the child's participation in appropriate activities.

**IDEA (Individuals With Disabilities Education Act) Public Law (P.L.) 108-446** - a law, originally passed in 1975, requiring that an education program be provided for all school-aged children (regardless of disability) without cost to families; the exact requirements of "appropriate" are not defined, but other references within the law imply the most "normal" setting available.

**Identification** - The process of locating and identifying children needing special services.

**Independent Educational Evaluation (IEE)** - An evaluation performed by a certified and/or licensed professional examiner who is not employed by the school system responsible for the education of the child.

**Individualized Education Program (IEP)** - A written education plan for a school-aged child (age 3 –21) with disabilities developed by a team of professionals (teachers, therapists, etc.) and the child's parents; it is reviewed and updated yearly and describes how the child is presently doing, what the child's learning needs are, and what services the child will need and who will provide them. (For children ages birth through 2 years, the IFSP is used.)

**Individualized Education Program (IEP)/ARC Team** - The multidisciplinary team of education and related services professionals that develops and evaluates, along with the students and their parents, the individualized education program for each student with a disability.

**Individual Family Service Plan (IFSP)** - A written statement for an infant or toddler (ages birth through 2 years old) developed by a team of people who have worked with the child and the family; the IFSP must contain the child's level of development, strengths, and needs, major goals or outcomes expected, services needed, date of the next evaluation, and the starting date of the present IFSP. The IFSP should identify the needs of the child's family.

**Individual Learning Plan (ILP)**- The Individual Learning Plans or ILPs for Kentucky's 6th grade through 12<sup>th</sup> grade students are changing how student prepare themselves for their future. The ILP helps users plan their classes to prepare for college and future careers, explore career options, build résumés, document important scholastic and extracurricular achievements and community involvement, view assessment results, set career and life goals and more. The Career Cruising ILP Tool is designed to help students bring together their academic achievements, extracurricular experiences, and career and education exploration activities.

**Individual Transition Plan (ITP)** - a plan for transition from school to adult life, to be included in the written IEP, that is developed at the annual review meeting following a student's 14th birthday. It addresses four areas: employment, post-secondary education and training, independent living, and community participation.

**Interpreting Services** - Refers to children who are deaf or hard of hearing who need oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services such as communication access real-time translation (CART) C-Print and Type Well and special interpreting services.

**Kentucky Administrative Regulation (KAR)** - regulations that assure uniformity in providing specially designed instruction and related services to children and youth with disabilities that conforms with the Individuals with Disabilities Education Improvement Act (IDEA).

**Kentucky Education Reform Act of 1990**—The law enacted by the 1990 General Assembly in response to a 1989 Supreme Court Decision declaring Kentucky's schools inequitable, inadequate, and unconstitutional.

**LEA (Local Education Agency)** - a school district.

**Lead Agency** - the agency (office) within a state or territory in charge of overseeing and coordinating early childhood programs and services.

**Least Restrictive Environment (LRE)** - an educational setting or program that provides a student with disabilities the chance to work and learn to the best of his or her ability; it also provides the student with as much contact as possible with children without disabilities, while meeting all of the child's learning needs and physical requirements.

**Limited English Proficient (LEP)** - An individual between the ages of 3-21 who attends an elementary school or secondary school, who was not born in the United States or whose native language is not English, who may be a Native American, Alaska Native, or a resident of the outlying areas, or a migratory child whose native language is not English. The individual's difficulties in speaking, reading, writing, or understanding English may not permit the individual to be proficient on state assessments.

**Manifestation Determination** - a decision made by the IEP team and other qualified personnel about whether a child's behavior was a product of his or her disability.

**Mediation** - A process which is intended to assist parents and professionals to resolve disagreements regarding an IFSP or IEP. Must be voluntary, cannot be used to deny or delay right to a due process hearing; must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

**Modifications** - Any of a number of services or supports that allow a student to access the general education curriculum but in a way that fundamentally alter the content or curricular expectations in question.

**Native Language** - Means the language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child.

**No Child Left Behind (NCLB) Act of 2001** - Federal legislation making changes in the Elementary and Secondary Education Act (ESEA); holds Title 1 schools accountable for helping all groups of students achieve; addresses qualifications of classroom teachers and aides; addresses preparation, training and recruitment of teachers; established a Reading First grant program; addresses school safety; addresses needs of students with limited English proficiency.

**Occupational Therapist (OT)** - Professional who directs activities to help improve fine-motor muscular control and develop self-help skills and adaptive behavior in conjunction with services for persons with disabilities.

**Occupational Therapy** - a therapy or treatment provided by an occupational therapist that helps individual developmental or physical skills that will aid in daily living; it focuses on sensory integration; on coordination of movement; and on fine motor and self-help skills, such as dressing, eating with a fork and spoon, etc.

**Parent** - A natural, adoptive or foster parent; an individual acting in the place of a natural or adoptive parent; an individual who is legally responsible for the child; a guardian; or a surrogate parent.

**Parent Training and Information (PTI) Programs** – Funded by IDEA, programs that provide information to parents of children with special needs about acquiring services, working with schools and educators to ensure the most effective educational placement for their child, understanding the methods of testing and evaluating a child with special needs, and making informed decisions about their child's special needs.

**Physical Therapy** - treatment of (physical) disabilities given by a trained physical therapist (under doctor's orders) that includes the use of massage, exercise, etc. to help the person improve the use of bones, muscles, joints, and nerves utilized in gross motor activities.

**Physical Therapist (PT)** - A professional who is devoted to improving a person's physical abilities through activities that strengthen muscular control and motor coordination.

**Placement** - the classroom, program, and/or therapy that is selected for a student with special needs.

**Planning and Placement Team (PPT)** - a group of certified and/or licensed professionals who represent each of the teaching, administrative and pupil personnel staffs and who, with the parents, are equal participants in the decision making process to determine the specific educational needs of a child and to develop, review and revise a child's Individual Educational Program (IEP).

**Policy/Policies** - rules and regulations; as related to early intervention and special education programs, the rules that a state or local school system has for providing services for and educating its students with special needs.

**Positive Behavior Intervention Plan (PBIP)** - Instructional strategy which deploys positive reinforcement procedures as a means through which to support a student's appropriate or desirable behavior.

**Positive Behavior Support** - An approach to behavior management in which scientifically validated practices are applied across a number of settings, such as the home, school, place of work, and community.

**Positive Behavioral Interventions and Supports (PBIS)** - A tiered framework that guides the selection, integration, and implementation of evidence-based practices for improving important academic and behavior outcomes for all students.

**Prior Written Notice** - Informs parents of their rights. It is a form that the school must use to tell parents why they're doing what they're doing or why they're not doing what they're doing—they must tell parents in writing.

**Present Levels of Academic Achievement and Functional Performance** - How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.

**Private Therapist** - any professional (therapist, tutor, psychologist, etc.) not connected with the public school system or with a public agency.

**Procedural Safeguards** - In the context of IDEA, the guarantee of a free appropriate public education in the least restrictive environment possible through a process of resolving disagreements and disputes beginning with mediation and ending with civil action.

**Program(s)** - in special education, a service, placement, and/or therapy designed to help a child with special needs.

**Psycho-social (development)** - the psychological development of a person in relation to his or her social environment.

**Psychologist** - A specialist in the field of psychology, usually having a Master's degree or Ph.D. in psychology.

**Public Agency** - an agency, office or organization that is supported by public funds and serves the community at large.

**Related Services** - transportation and developmental, corrective, and other support services that a child with disabilities requires in order to benefit from education; examples of related services include: speech pathology and audiology, psychological services, physical and occupational therapy, recreation, counseling services, interpreters for the hearing impaired, and medical services for diagnostic and evaluation purposes.

**Response To Intervention (RTI)**- A process schools may use to identify students with specific learning disabilities. It involves universal screening for learning difficulties, providing instruction and interventions matched to students' needs, frequent progress monitoring, and using data on students' responses to make educational decisions.

**Resolution Session** - A mandatory meeting that the school district must convene within 15 days of receiving the parents' due process complaint. The resolution session includes parents, members of the IEP team relevant to the complaint, a representative of the school district who has decision-making authority.

**School-Based Decision Making (SBDM)**- A system of governance at each school composed of the principal, three teachers and two parents who make decisions regarding the day-to-day running of the school, including calendars, instructional materials, hiring of the principal, extracurricular programs and other items.

**School Health Services and School Nurse Services** - Means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

**School Psychologist** - a specialist in the field of psychology with an advanced degree (M.A. or Ph.D.) and training who specializes in the diagnosis and treatment of school-related problems in children. Duties typically include individual pupil assessment, establishment of pupil behavior management programs, and consultations with teachers.

**School Social Worker** - a professional who provides a vital communication link between school personnel and the family of a child with a disability. Frequently involved in parent contact, parent interviews, and contact with support service personnel within the community, individual pupil evaluation, and school-home pupil programming and follow-up.

**Scientifically Based Research** - Means research that applies rigorous, systematic, and objective procedures to obtain reliable, valid knowledge about education activities and programs. Includes research that employs systematic, empirical methods that draw on observation or experiment, involves rigorous data analyses to test hypotheses and justify conclusions, relies on methods that provide reliable and valid data across evaluators and observers, and studies that are accepted by a peer-reviewed journal or approved by a panel of independent experts through rigorous, objective, and scientific review.

**Section 504 of the Rehabilitation Act of 1973 (A Civil Rights Act)** - guarantees equal opportunities in education and employment for all people with disabilities. It ensures that no child with a disability can be excluded from a free, appropriate public education regardless of his or her disability.

**Service Plan** - Means a written statement that describes the special education and related services the LEA will provide to a parentally-placed child with a disability enrolled in a private school who has been designated to receive services.

**Special Education** - Means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

**Special Education Programs/Services** - programs, services or specially designed instruction (offered at no cost to families) for children 3 –21 years old with a disability who are found eligible for such services.

**Special Needs** - a term to describe a child who has disabilities or who is at risk for developing disabilities who requires special services or treatment in order to progress.

**Specially Designed Instruction** - Means adapting, as appropriate to the needs of an eligible child, the content methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability, and to ensure access of the child to the general curriculum so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

**Speech/Language Therapy** - a planned program to improve and correct speech and/or language or communication problems in people who are not thought to be able to improve without such help.

**Supplementary Aides and Services** - Aides, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

**Teacher Aide** - A person hired to assist a teacher and help students in the classroom; not required to have a teaching certificate; works under teacher supervision; same as a paraprofessional.

**Transition** - The process of moving from one situation to another. Frequently used to mean moving from preschool programs into elementary school or from school to work and the community.

**Transition Services** - Means a coordinated set of activities for a child with a disability that is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation.

**Transportation** - Related service about travel; includes specialized equipment (i.e., special or adapted buses, lifts, and ramps) if required to provide special transportation for a child with a disability.

**Triennial Review** - Every three years, a student in special education must be given a completely new evaluation/assessment to determine the student's progress and to make a new determination of eligibility for continued special education services. The ARC/IEP Team can decide as a whole to adopt the previous evaluation as the new/current evaluation.

**Vocational Rehabilitation Agency** - A publicly funded state agency that provides direct and indirect services to youth with disabilities as they transition from school to work, in order to maximize their employability, independence and integration into the workplace and the community.

**Vocational rehabilitation (VR)** - A set of services offered to individuals with disabilities designed to enable participants to attain skills, resources, attitudes, and expectations needed to compete in the interview process, get a job, and keep a job.

**Wraparound Service** - A service delivery model whereby all of the student's needs are met through the coordination of the education system, mental health agencies, social services, and community agencies.



KY-SPIN, Inc./ 10301-B Deering Rd./ Louisville, KY 40272 /  
Toll Free: 1-800-525-7746/ Phone: (502) 937-6894 / Fax: (502) 937-6464 /  
E-mail: [spininc@kyspin.com](mailto:spininc@kyspin.com) / Website: [www.kyspin.com](http://www.kyspin.com)

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# Acronyms

Friday, June 19, 2020  
3:41 PM

## SPECIAL EDUCATION ACRONYMS



|               |                                                        |               |                                                              |
|---------------|--------------------------------------------------------|---------------|--------------------------------------------------------------|
| <b>AAC</b>    | Alternative Augmentative Communication                 | <b>DB</b>     | Deaf-Blind                                                   |
| <b>AD/HD</b>  | Attention Deficit /Attention Hyperactivity Disorder    | <b>DD</b>     | Developmental Delay                                          |
| <b>ADA</b>    | Americans with Disabilities Act                        | <b>DDACT</b>  | Developmental Disabilities Assistance and Bill of Rights Act |
| <b>ADLs</b>   | Activities of Daily Living                             | <b>DoDDS</b>  | Department of Defense Dependent Schools                      |
| <b>ADR</b>    | Alternative Dispute Resolution                         | <b>DMH/MR</b> | Dept. for Mental Health/Mental Retardation Services          |
| <b>AFT</b>    | American Federation of Teachers                        | <b>DS</b>     | Down Syndrome                                                |
| <b>APE</b>    | Adaptive Physical Education                            | <b>EDE</b>    | Early Childhood Education                                    |
| <b>ARC</b>    | Admission and Release Committee                        | <b>ED</b>     | Emotional Disturbance                                        |
| <b>ASA</b>    | Autism Society of America                              | <b>EDGAR</b>  | Education Department General Administrative Regulations      |
| <b>ASL</b>    | American Sign Language                                 | <b>EI</b>     | Early Intervention                                           |
| <b>BD</b>     | Behavioral Disorder                                    | <b>EMR</b>    | Educable Mentally Retarded                                   |
| <b>CA</b>     | Chronological Age                                      | <b>EPSDT</b>  | Early Periodic Screening, Diagnosis and Treatment            |
| <b>CAP</b>    | Corrective Action Plan                                 | <b>ERIC</b>   | Educational Resources Information Center                     |
| <b>CAPD</b>   | Central Auditory Processing Disorder                   | <b>ESD</b>    | Extended School Day                                          |
| <b>CEC</b>    | Council for Exception Children                         | <b>ESEA</b>   | Elementary and Secondary Education Act                       |
| <b>CF</b>     | Cystic Fibrosis                                        | <b>ESL</b>    | English as a Second Language                                 |
| <b>CFR</b>    | Code of Federal Regulations                            | <b>ESY</b>    | Extended School Year                                         |
| <b>CHADD</b>  | Children and Adults with ADD/ADHD                      | <b>FAPE</b>   | Free Appropriate Public Education                            |
| <b>CP</b>     | Cerebral Palsy                                         | <b>FAS</b>    | Fetal Alcohol Syndrome                                       |
| <b>CCSHCN</b> | Commission for Children with Special Health Care Needs | <b>FBA</b>    | Functional Behavior Assessment                               |
| <b>CSPD</b>   | Comprehensive System of Personnel Development          | <b>FC</b>     | Facilitated Communication                                    |
| <b>CST</b>    | Child Study Team                                       |               |                                                              |



## SPECIAL EDUCATION ACRONYMS



|                |                                             |                |                                                                      |
|----------------|---------------------------------------------|----------------|----------------------------------------------------------------------|
| <b>FEOG</b>    | Full Educational Opportunity Goal           | <b>KSB</b>     | KY School for the Blind                                              |
| <b>FERPA</b>   | Family Educational Rights and Privacy Act   | <b>LD</b>      | Learning Disability                                                  |
| <b>FOIA</b>    | Freedom of Information Act                  | <b>LDA</b>     | Learning Disabilities Association of America                         |
| <b>FRC</b>     | Family Resource Center                      | <b>LEA</b>     | Local Education Agency                                               |
| <b>FRYSC</b>   | Family Resource and Youth Service Center    | <b>LEP</b>     | Limited English Proficiency                                          |
| <b>GE</b>      | General Education                           | <b>LRE</b>     | Least Restricted Environment                                         |
| <b>GT</b>      | Gifted and Talented                         | <b>MA</b>      | Mental Age                                                           |
| <b>HI</b>      | Hearing Impaired                            | <b>MD</b>      | Multiple Disabilities                                                |
| <b>HO</b>      | Hearing Officer                             | <b>MDA</b>     | Muscular Dystrophy Association                                       |
| <b>IA</b>      | Instructional Assistant                     | <b>MR</b>      | Mental Retardation                                                   |
| <b>IAES</b>    | Interim Alternative Educational Setting     | <b>NICHCY</b>  | National Information Center for Children and Youth with Disabilities |
| <b>IDEA</b>    | Individuals with Disabilities Education Act | <b>NORD</b>    | National Organization for Rare Disorders                             |
| <b>IEE</b>     | Independent Educational Evaluation          | <b>OCD</b>     | Obsessive-Compulsive Disorder                                        |
| <b>IEP</b>     | Individualized Education Program            | <b>ODD</b>     | Oppositional Defiant Disorder                                        |
| <b>IFSP</b>    | Individualized Family Service Plan          | <b>OCR</b>     | Office for Civil Rights                                              |
| <b>ILP</b>     | Individualized Learning Plan                | <b>OHI</b>     | Other Health Impairment                                              |
| <b>ITP</b>     | Individualized Transition Plan              | <b>OI</b>      | Orthopedic Impairment                                                |
| <b>KATS</b>    | KY Assistive Technology                     | <b>O&amp;M</b> | Orientation and Mobility                                             |
| <b>KDE</b>     | KY Department of Education                  | <b>OSERS</b>   | Office of Special Education and Rehabilitative Services              |
| <b>KEIS</b>    | KY Early Intervening Service                | <b>OT</b>      | Occupational Therapy                                                 |
| <b>KERA</b>    | KY Education Reform Act                     | <b>P&amp;A</b> | Protection & Advocacy                                                |
| <b>KY-SPIN</b> | KY Special Parent Involvement Network       | <b>PASS</b>    | Plan for Achieving Self-Support                                      |
|                |                                             | <b>PBS</b>     | Positive Behavioral Supports                                         |

## SPECIAL EDUCATION ACRONYMS



|              |                                                  |               |                                                       |
|--------------|--------------------------------------------------|---------------|-------------------------------------------------------|
| <b>PCA</b>   | Personal Care Attendant                          | <b>SSI</b>    | Social Security Income                                |
| <b>PD</b>    | Physical Disability                              | <b>SST</b>    | Student Study Team                                    |
| <b>PDD</b>   | Pervasive Development Disorder                   | <b>TBI</b>    | Traumatic Brain Injury                                |
| <b>PLPPP</b> | Present Level of Performance<br>Paraprofessional | <b>TDD</b>    | Telecommunication Devices for<br>the Deaf             |
| <b>PRC</b>   | Parent Resource Center                           | <b>TMR</b>    | Trainable Mentally Retarded                           |
| <b>PS</b>    | Preschool                                        | <b>TS</b>     | Tourette Syndrome                                     |
| <b>PT</b>    | Physical Therapy                                 | <b>T-TA</b>   | Training and Technical Assistance                     |
| <b>PTI</b>   | Parent Training & Information Center             | <b>TTY</b>    | Teletypewriter<br>(phone system for the deaf)         |
| <b>RS</b>    | Related Services                                 | <b>TWWIIA</b> | Ticket to Work and Work Incentives<br>Improvement Act |
| <b>RSA</b>   | Rehabilitation Services Agency                   | <b>VI</b>     | Visual Impaired                                       |
| <b>SB</b>    | Spina Bifida                                     | <b>VIPS</b>   | Visual Impaired Preschool Services                    |
| <b>SC</b>    | Service Coordinator                              | <b>Voc Ed</b> | Vocational Education                                  |
| <b>SEAC</b>  | Special Education Advisory<br>Committee          | <b>VR</b>     | Vocational Rehabilitation                             |
| <b>SE</b>    | Special Education                                |               |                                                       |
| <b>SBDM</b>  | School Based Decision Making                     |               |                                                       |
| <b>SEA</b>   | State Education Agency                           |               |                                                       |
| <b>SED</b>   | Serious Emotional Disturbance                    |               |                                                       |
| <b>FAPE</b>  | Free Appropriate Public Education                |               |                                                       |
| <b>SI</b>    | Sensory Integration                              |               |                                                       |
| <b>SIG</b>   | State Improvement Grant                          |               |                                                       |
| <b>SLD</b>   | Specific Learning Disability                     |               |                                                       |
| <b>S/LI</b>  | Speech/Language Impairment                       |               |                                                       |
| <b>SSDI</b>  | Social Security Disability Income                |               |                                                       |

*Complied from FAPE*

Distributed by:  
**KY-SPIN, INC.**  
 10301-B Deering Road  
 Louisville, KY 40272  
 Toll Free: 800 525-7746 Fax: 502 937-6464  
 Email: [spininc@kyspin.com](mailto:spininc@kyspin.com) Website: [kyspin.com](http://kyspin.com)

# Procedural Safeguards

Friday, June 19, 2020  
12:10 PM

## **PART B PROCEDURAL SAFEGUARDS NOTICE**

The Individuals with Disabilities Education Act (IDEA) is the Federal law concerning the education of students with disabilities. IDEA requires school districts to provide parents of a child with a disability with a notice containing a full explanation of the procedural safeguards available under the IDEA and U.S. Department of Education regulations.

This procedural safeguards notice must include a full explanation of all procedural safeguards available under the Federal IDEA regulations: Unilateral Placement at Private School at Public Expense (34 CFR 300.148); Formal Written Complaint Procedures (300.151 through 300.153); Consent (34 CFR 300.300); Procedural Safeguards in Subpart E of the IDEA Regulations (34 CFR 300.502 through 300.503, 34 CFR 300.505 through 300.518, and 34 CFR 300.530 through 300.536); and Confidentiality of Information Provisions in Subpart F (34 CFR 300.610 through 300.625). A copy of the Procedural Safeguards Notice must be given to parents only one time a school year, except that a copy must be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first formal written complaint under 34 CFR §§300.151 through 300.153 and upon receipt of the first due process hearing request under §300.507 in a school year;
- When a decision is made to take a disciplinary action that constitutes a change of placement; and
- Upon parent request. [34 CFR §300.504(a)]

The Office of Special Education Programs (OSEP) has drafted a model Procedural Safeguards Notice for use by the States, which contains the information required by IDEA. The Kentucky Department of Education has adopted the OSEP model notice and has added Kentucky-specific information to make the notice relevant for use in Kentucky.

The resulting Kentucky Procedural Safeguards Notice complies with the 2004 IDEA Reauthorization and corresponding Kentucky law. Kentucky school districts may draft their own Procedural Safeguards Notice and are not required to use the model notice; however, districts that use the KDE model notice ensure their compliance with IDEA in this area.

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**U.S. Department of Education**  
Office of Special Education and Rehabilitative Services,  
Office of Special Education Programs

**Model Form: Procedural Safeguards Notice**

### **Kentucky Department of Education**

Additions Pursuant to the Kentucky Administrative Regulations for Exceptional Children have been made to this Model Form

*Revised September 26, 2008*

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**GENERAL INFORMATION****PRIOR WRITTEN NOTICE****34 CFR §300.503****Notice**

Your school district must give you written notice (provide you certain information in writing), whenever it:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; or
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

**Content of notice**

The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
5. Tell you how you can obtain a description of the procedural safeguards if the action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child's Admissions and Release Committee (ARC) considered and the reasons why those choices were rejected; and
8. Provide a description of other reasons why your school district proposed or refused the action.

**Notice in understandable language**

The notice must be:

1. Written in language understandable to the general public; and
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; and
3. There is written evidence that 1 and 2 have been met.

**NATIVE LANGUAGE****34 CFR §300.29**

*Native language*, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a child, the language normally used by the child's parents;
2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

**ELECTRONIC MAIL****34 CFR §300.505**

If your school district offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; and
3. Notices related to a due process complaint (i.e., due process hearing).

**PARENTAL CONSENT - DEFINITION****34 CFR §300.9****Consent**

*Consent* means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.
2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; and
3. You understand that the consent is voluntary on your part and you may withdraw your consent at anytime.

Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

**PARENTAL CONSENT****34 CFR §300.300****Consent for initial evaluation**

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described under this heading (***Parental Consent***).

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.



Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.

If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by utilizing IDEA's procedural safeguards, such as mediation, an impartial due process hearing and resolution meeting. Your school district will not violate its obligations to locate, identify and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

#### **Special rules for initial evaluation of wards of the State**

If a child is a ward of the State and is not living with his/her parent —

The school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the child's parent;
2. The rights of the parents have been terminated in accordance with State law; **or**
3. A judge has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

In no event may the Kentucky Cabinet for Health and Family Services act as a parent under Part B of IDEA

*Ward of the State*, under Kentucky law, means:

A child who has been committed to the Cabinet for Health and Family Services or the Department of Juvenile Justice through a legal process, whether the commitment is voluntary or non-voluntary and the biological or adoptive parent rights have been terminated;

*Ward of the State* does not include a foster child who has a foster parent.

#### **Parental consent for services**

Your school district must obtain your informed consent before providing special education and related services to your child for the first time.

The school district must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you refuse or do not respond to a request to provide your consent for your child to receive special education and related services for the first time, your school district may not use the IDEA procedural safeguards, such as an impartial due process hearing and resolution meeting, to obtain a ruling that special education and related services be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent and the school district does not provide your child with the special education and related services, your school district:

1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; **and**
2. Is not required to have an ARC meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

#### **Parental consent for reevaluations**

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; **and**

2. You did not respond.

If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by seeking to override your refusal to consent to your child's reevaluation by using the impartial due process hearing/resolution meeting procedures. As with initial evaluations, your school district does not violate its obligations under IDEA if it declines to pursue the reevaluation in this manner.

**Documentation of reasonable efforts to obtain parental consent**

Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluation and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; **and**
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

**Other consent requirements**

Your consent is not required before your school district may:

1. Review existing data as part of your child's evaluation or a reevaluation; **or**
2. Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from all parents of all children.

Your school district may not use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity.

If you have enrolled your child in a private school at your own expense or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may request an impartial due process hearing to require your consent. The school district is not required to consider your child as eligible to receive equitable services through a Services Plan (services made available to parentally-placed private school children with disabilities) if you refuse or fail to give consent..

**INDEPENDENT EDUCATIONAL EVALUATIONS****34 CFR §300.502****General**

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district.

If you request an independent educational evaluation, the school district must provide you with information about where you may obtain an independent educational evaluation and about the school district's criteria that apply to independent educational evaluations.

**Definitions**

*Independent educational evaluation* means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

*Public expense* means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of the IDEA, which allow each State to use whatever State, local, Federal and private sources of support are available to meet the requirements of IDEA.

#### **Parent right to evaluation at public expense**

You have the right to an independent educational evaluation of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you request an independent educational evaluation of your child at public expense, your school district must, without unnecessary delay, either:
  - (a) File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or
  - (b) Provide an independent educational evaluation at public expense, unless the school district demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school district's criteria.
2. If your school district requests a hearing and the final decision is that your school district's evaluation of your child is appropriate, you still have the right to an independent educational evaluation, but not at public expense.
3. If you request an independent educational evaluation of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and may not unreasonably delay either providing the independent educational evaluation of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district's evaluation of your child.

You are entitled to only one independent educational evaluation of your child at public expense each time your school district conducts an evaluation of your child with which you disagree.

#### **Parent-initiated evaluations**

If you obtain an independent educational evaluation of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district's criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education (FAPE) to your child; and
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

#### **Requests for evaluations by hearing officers**

If a hearing officer requests an independent educational evaluation of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

#### **School district criteria**

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an independent educational evaluation).

Except for the criteria described above, a school district may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

**CONFIDENTIALITY OF INFORMATION****DEFINITIONS****34 CFR §300.611**

As used under the heading, **Confidentiality of Information**:

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

**PERSONALLY IDENTIFIABLE****34 CFR §300.32**

*Personally identifiable* means information that has:

- (a) Your child's name, your name as the parent, or the name of another family member;
- (b) Your child's address;
- (c) A personal identifier, such as your child's social security number or student number; **or**
- (d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

**NOTICE TO PARENTS****34 CFR §300.612**

The Kentucky Department of Education (KDE) must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods that KDE intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; **and**
4. A description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99.

Before any major identification, location, or evaluation activity (also known as “child find”), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout Kentucky of the activity to locate, identify, and evaluate children in need of special education and related services.

**ACCESS RIGHTS**

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**34 CFR §300.613**

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by the participating agency under IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before:

- Any meeting regarding an individualized education program (IEP), or
- Any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and
- In no case more than 45 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide you with copies of the records if you cannot effectively inspect and review the records unless you receive those copies; and
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable Kentucky law governing such matters as guardianship, or separation and divorce.

**RECORD OF ACCESS**

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**34 CFR §300.614**

Each participating agency must keep 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 the participating agency). The record must include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

**RECORDS ON MORE THAN ONE CHILD**

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**34 CFR §300.615**

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

**LIST OF TYPES AND LOCATIONS OF INFORMATION**

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**34 CFR §300.616**

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

**FEES**

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**34 CFR §300.617**

Each participating agency may charge a fee for copies of records that are made for you under IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records.

A participating agency may not charge a fee to search for or to retrieve information under IDEA.

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**AMENDMENT OF RECORDS AT PARENT'S REQUEST****34 CFR §300.618**

If you believe that information in the education records regarding your child collected, maintained, or used under IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose as described below under the heading, ***Opportunity for a Hearing***.

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**OPPORTUNITY FOR A HEARING****34 CFR §300.619**

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

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**HEARING PROCEDURES****34 CFR §300.621**

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the Family Educational Rights and Privacy Act (FERPA).

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**RESULT OF HEARING****34 CFR §300.620**

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform you in writing.

If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; **and**
2. If the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

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**CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION****34 CFR §300.622**

Unless disclosure of the information contained in your child's education records is authorized without parental consent under the Family Educational Rights and Privacy Act (FERPA), your prior, written consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies.

Your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA, except under the circumstances specified below:

- Your consent, or consent of an eligible child who has reached the age of eighteen (18), must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for secondary transition services
- If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

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**SAFEGUARDS****34 CFR §300.623**

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding your State's policies and procedures regarding confidentiality under IDEA and the Family Educational Rights and Privacy Act (FERPA).

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

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**DESTRUCTION OF INFORMATION****34 CFR §300.624**

Your school district must inform you when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child.

The information must be destroyed at your request. However, a permanent record of your child'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.

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**STATE COMPLAINT PROCEDURES**

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**DIFFERENCE BETWEEN DUE PROCESS HEARING COMPLAINT (DUE PROCESS HEARING) AND STATE FORMAL WRITTEN COMPLAINT PROCEDURES**

The regulations for IDEA set forth separate procedures for State formal written complaints and for due process complaints and hearings.

**Who May File:**

- As explained below, any individual or organization may file a formal written complaint alleging a violation of any Part B requirement by a school district, KDE, or any other public agency.
- Only you or a school district may file a due process complaint for a hearing, on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child with a disability, or the provision of a free appropriate public education (FAPE) to your child.

**Time lines**

- Staff of the KDE generally must resolve a formal written complaint within a 60-day time line, unless the timeline is properly extended.
- An impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45 days after the end of the resolution period, as described below under the heading **Resolution Process**, unless the hearing officer grants a specific extension of the timeline at your request or the school district's request.

The State formal written complaint and due process complaint, resolution and hearing procedures are described more fully below.

**ADOPTION OF STATE FORMAL WRITTEN COMPLAINT PROCEDURES****34 CFR §300.151****General**

The Kentucky Department of Education (KDE) must have written procedures for:

1. Resolving any complaint, including a complaint filed by an organization or individual from another State;
2. The filing of a complaint with KDE.
3. Widely disseminating the State formal written complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

**Remedies for denial of appropriate services**

In resolving a State formal written complaint in which KDE has found a failure to provide appropriate services, KDE must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the child; **and**
2. Appropriate future provision of services for all children with disabilities.

**MINIMUM STATE COMPLAINT PROCEDURES****34 CFR §300.152****Time limit; minimum procedures**

KDE must include in its State formal written complaint procedures a time limit of 60-days after a complaint is filed to:

1. Carry out an independent on-site investigation, if KDE determines that an investigation is necessary;



2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district or other public agency with the opportunity to respond to the complaint including, at the option of the agency,
  - (a) A proposal to resolve the complaint; **and**
  - (b) An opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; **and**
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains:
  - (a) Findings of fact and conclusions; **and**
  - (b) The reasons for KDE's final decision.

**Time extension; final decision; implementation**

KDE's formal written complaint procedures, described above, also must:

1. Permit an extension of the 60-day time line only if:
  - (a) Exceptional circumstances exist with respect to a particular complaint; **or**
  - (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution.
2. Include procedures for effective implementation of KDE's final decision, if needed, including:
  - (a) Technical assistance activities;
  - (b) Negotiations; **and**
  - (c) Corrective actions to achieve compliance.

**State complaints and due process hearings**

If a State formal written complaint is received that is also the subject of a due process hearing as described below under the heading, **Filing a Due Process Complaint**, or the formal written complaint contains multiple issues of which one or more are part of such a hearing, KDE must set aside the formal written complaint, or any part of it that is being addressed in the due process hearing, until the hearing is over. Any issue in the formal written complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above for formal written complaints.

If an issue raised in a formal written complaint has previously been decided in a due process hearing involving the same parties (you and the school district), then the due process hearing decision is binding on that issue. KDE must inform the complainant that the due process hearing decision is binding.

A formal written complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by KDE.

**FILING A (FORMAL WRITTEN) COMPLAINT****34 CFR §300.153**

An organization or individual may file a signed, formal written complaint under the procedures described above.

The complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of the IDEA or its regulations;
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and
4. If alleging violations regarding a specific child:
  - (a) The name of the child and address of the residence of the child;
  - (b) The name of the school the child is attending;
  - (c) In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
  - (d) A description of the nature of the problem of the child, including facts relating to the problem; **and**
  - (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that KDE receives the complaint, as described under the heading ***Adoption of State Formal Written Complaint Procedures.***

The complaint shall be mailed to:

Director, Division of Learning Services  
Kentucky Department of Education  
300 Sower Blvd., 5<sup>th</sup> Floor  
Frankfort, Kentucky 40601  
502.564.4970

The party filing the formal written complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with KDE.

**DUE PROCESS COMPLAINT PROCEDURES****FILING A DUE PROCESS COMPLAINT (DUE PROCESS HEARING REQUEST)****34 CFR §300.507****General**

You or the school district may file a due process hearing request on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child or the provision of a free appropriate public education (FAPE) to your child.

The hearing request must allege a violation that happened not more than three years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file for a hearing within the timeline because:

1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; or
2. The school district withheld information from you that it was required to provide you under Part B of the IDEA.

**Information for parents**

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you or the school district file a hearing request.

**DUE PROCESS COMPLAINT (DUE PROCESS HEARING REQUEST)****34 CFR §300.508****General**

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must submit a due process complaint (hearing request) to the other party. The hearing request must contain all of the content listed below and must be kept confidential.

You or the school district, whichever one filed the hearing request, must also provide KDE with a copy of the request.

**Content of the complaint (hearing request)**

The due process complaint (hearing request) must include:

1. The name of the child;
2. The address of the child's residence;
3. The name of the child's school;
4. A description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; and
5. A proposed resolution of the problem to the extent known and available to you or the school district at the time.
6. If the child is a homeless child or youth, the hearing request must contain the child's contact information and the name of the child's school;

The due process hearing request shall be mailed to:

Director, Division of Learning Services  
Kentucky Department of Education  
300 Sower Blvd., 5<sup>th</sup> Floor  
Frankfort, Kentucky 40601  
502.564.4970

**Notice required before a hearing on a due process hearing request**

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney), files a due process hearing request that includes the information listed above.

**Sufficiency of due process hearing request**

In order for a due process hearing to go forward, the hearing request must be considered sufficient. The party filing the hearing request may assume that the request contains all required information and is sufficient, unless the party receiving the due process complaint makes a written objection.

To make an objection, the receiving party must, within 15 calendar days of receiving the hearing request, send written notice to the hearing officer and the party that asked for the hearing. The receiving party's written objection must state that the due process hearing request does not contain the IDEA requirements for a hearing request as listed above.

Within five calendar days of receiving the written notice, the hearing officer must decide if the hearing request meets the requirements listed above. The hearing officer must notify you and the school district in writing immediately.

**Complaint amendment**

You or the school district may make changes to the complaint only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described below; or
2. By no later than five days before the due process hearing begins, the hearing officer grants permission for the changes.

If the party asking for the hearing (you or the school district) makes changes to the due process hearing request, the timelines for the resolution meeting (within 15 calendar days of receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

**Local educational agency (LEA) or school district response to a due process complaint (hearing request)**

If the school district has not sent a prior written notice to you, as described under the heading **Prior Written Notice**, regarding the subject matter contained in your hearing request, the district must send you a response within 10 calendar days of receiving the hearing request. The response must include:

1. An explanation of why the school district proposed or refused to take the action raised in the due process complaint;
2. A description of other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; and
4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1-4 above does not prevent the school district from asserting that your due process hearing request was insufficient.

**Other party response to a due process complaint (hearing request)**

Except as stated immediately above, under **Local educational agency (LEA) or school district response to a due process complaint (hearing request)**, the party receiving a hearing request must send the other party a response that specifically addresses the issues raised in the hearing request. The response must be sent within 10 calendar days of receiving the hearing request.

**MODEL FORMS****34 CFR §300.509**

KDE must develop model forms to help you file a due process hearing request and a formal written complaint. However, you cannot be required to use these model forms. You can use the KDE form or another appropriate model form, so long as it contains the required information for filing a due process hearing request or a formal written complaint.

**MEDIATION****34 CFR §300.506****General**

The school district must have a process in place that allows you and the school district to resolve disagreements involving any matter under Part B of the IDEA, including matters arising prior to the filing of a due process hearing request. Thus, mediation is available to resolve disputes under IDEA, even if you have not requested a due process hearing as described under the heading, **Filing a Due Process Complaint (Due Process Hearing Request)**.

**Requirements**

The procedures must ensure that the mediation process:

1. Is voluntary on your part and the school district's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under IDEA; **and**
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

KDE must have a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. KDE must select mediators on a random, rotational, or other impartial basis.

KDE is responsible for the cost of the mediation process, including the costs of meetings.

Each meeting in the mediation process must be scheduled in a timely manner not to exceed sixty (60) days and held at a place that is convenient for you and the school district.

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; **and**
2. Is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under Kentucky law to hear this type of case) or in a United States Federal district court.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any Federal or State court.

**Impartiality of mediator**

The mediator:

1. Shall not be an employee of KDE or the school district that is involved in the education or care of your child; **and**
2. Shall not have a personal or professional interest which conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of KDE or a school district solely because he or she is paid by KDE or the district to serve as a mediator.

**THE CHILD'S PLACEMENT WHILE THE DUE PROCESS REQUEST AND HEARING ARE PENDING ("STAY-PUT" RULE)****34 CFR §300.518**

Except as provided below under the heading, **PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES**, once a due process hearing request is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the State or school district agree otherwise, your child must remain in his or her current educational placement.

If the due process hearing involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process hearing involves an application for initial services under IDEA for a child who is transitioning from First Steps to preschool and who is no longer eligible for First Steps services because the child has turned three, the school district is not required to provide the First Steps services that the child has been receiving. If the child is found eligible under IDEA for preschool services and you consent for the child to receive special education and related services for the first time, then, pending the outcome of any appeals, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

**RESOLUTION PROCESS****34 CFR §300.510****Resolution meeting**

Within 15 days of receiving notice of your due process complaint, and before the due process hearing begins, the school district must convene a meeting with you and the relevant member or members of the Admissions and Release Committee (ARC) who have specific knowledge of the facts identified in your due process hearing request. The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; **and**
2. May not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the ARC to attend the meeting.

The purpose of the meeting is for you to discuss your hearing request, and the facts that form the basis of the request, so that the school district has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. You and the school district agree in writing to waive the meeting; or
2. You and the school district agree to use the mediation process, as described under the heading **Mediation**.

#### **Resolution period**

If the school district has not resolved the issues raised in your hearing request to your satisfaction within 30 days of the receipt of the hearing request (during the time period for the resolution process), the due process hearing may occur.

The 45-day time line for issuing a final decision begins at the expiration of the 30-day resolution period, with certain exceptions for adjustments made to the 30 day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting.

If after making reasonable efforts and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-day resolution period, request that a hearing officer dismiss your due process complaint. Documentation of the district's efforts must include a record of its attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 days of receiving notice of your hearing request or fails to participate in the resolution meeting, you may ask a hearing officer to order that the 45-day timeline for the due process hearing begin.

#### **Adjustments to the 30-day resolution period**

If you and the school district agree in writing to waive the resolution meeting, then the 45-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-day resolution period, if you and the school district agree in writing that no agreement is possible, then the 45-day time line for the due process hearing starts the next day.

If you and the school district agree to use the mediation process, at the end of the 30-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or the school district withdraws from the mediation process, then the 45-day time line for the due process hearing starts the next day.

#### **Written settlement agreement**

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. Signed by you and a representative of the school district who has the authority to bind the school district; and
2. Enforceable in any State court of competent jurisdiction (a court that has the authority under Kentucky law to hear this type of case) or in a United States Federal district court.

**Agreement review period**

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

**DEFINITIONS - DAY; BUSINESS DAY****34 CFR §300.11**

*Day* means calendar day, unless otherwise indicated as business day or school day.

*Business day* means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the definition of business day).

**HEARINGS ON DUE PROCESS COMPLAINTS/ HEARING REQUESTS****IMPARTIAL DUE PROCESS HEARING****34 CFR §300.511****General**

Whenever a due process hearing request is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, as described in the ***Due Process Complaint/ Hearing Request*** and ***Resolution Process*** sections.

**Impartial hearing officer**

At a minimum, a hearing officer:

1. Must not be an employee of KDE or the school district that is involved in the education or care of the child. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be knowledgeable and understand the provisions of the IDEA, and Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts; **and**
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

Each school district must keep a list of those persons who serve as hearing officers that includes a statement of the qualifications of each hearing officer.

**Subject matter of due process hearing**

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

**Timeline for requesting a hearing**

You or the school district must request an impartial hearing on a due process complaint within three years of the date you or the school district knew or should have known about the issue addressed in the complaint.



**Exceptions to the timeline**

The three year timeline does not apply to you if you could not file a due process complaint because:

1. The school district did not provide you with prior written notice or the procedural safeguards notice; or
2. The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; or
3. The school district withheld information from you that was relevant to the hearing issues.

**HEARING RIGHTS****34 CFR §300.512**

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**General**

Any party to a due process hearing (including a hearing relating to disciplinary procedures) or an appeal, as described under the sub-heading ***Appeal of decisions; impartial review*** has the right to:

1. Be accompanied and advised by a lawyer and/or persons with special knowledge or training regarding the problems of children with disabilities;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least five business days before the hearing;
4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; and
5. Obtain written, or, at your option, electronic findings of fact and decisions.

**Additional disclosure of information**

At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing.

A hearing officer may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

**Parental rights at hearings**

You must be given the right to:

1. Have your child present;
2. Open the hearing to the public; and
3. Have the record of the hearing, the findings of fact and decisions provided to you at no cost.

**HEARING DECISIONS****34 CFR §300.513**

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**Decision of hearing officer**

A hearing officer's decision on whether your child received a free appropriate public education (FAPE) must be based on substantive grounds.

In matters alleging a procedural violation, a hearing officer may find that your child did not receive FAPE only if the procedural inadequacies:

1. Interfered with your child's right to a free appropriate public education (FAPE);
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to your child; or

3. Caused a deprivation of an educational benefit.

**Construction clause**

None of the provisions described above can be interpreted to prevent a hearing officer from ordering a school district to comply with the requirements in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536).

None of the provisions under the headings: ***Filing a Due Process Complaint/ Hearing Request; Due Process Complaint/Hearing Request; Model Forms; Resolution Process; Impartial Due Process Hearing; Hearing Rights; and Hearing Decisions*** (34 CFR §§300.507 through 300.513), can affect your right to file an appeal of the due process hearing decision with KDE.

**Separate request for a due process hearing**

Nothing in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

**Findings and decision to advisory panel and general public**

KDE, after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; **and**
2. Make those findings and decisions available to the public.

**APPEALS****FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW****34 CFR §300.514****Finality of hearing decision**

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision to KDE's Exceptional Children Appeals Board (ECAB)

**Appeal of decisions; impartial review**

If a party (you or the school district) disagree with the hearing officer's findings and decision, an appeal may be brought to the ECAB.

If there is an appeal, the ECAB must conduct an impartial review of the findings and decision appealed. The ECAB members conducting the review must:

1. Examine the entire hearing record;
2. Ensure that the procedures at the hearing were consistent with the requirements of due process;
3. Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the hearing rights described above under the heading **Hearing Rights** apply;
4. Give the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;
5. Make an independent decision on completion of the review; and
6. Give you and the school district a copy of the written, or, at your option, electronic findings of fact and decisions.

**Findings and decision to advisory panel and general public**

KDE, after deleting any personally identifiable information, must:

1. Provide the findings and decisions of the appeal to the State special education advisory panel; and
2. Make those findings and decisions available to the public.

**Finality of review decision**

The decision made by the ECAB is final unless you or the school district brings a civil action, as described below.

**TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS****34 CFR §300.515**

KDE must ensure that not later than 45 days after the expiration of the 30-day period for resolution meetings or, as described under the sub-heading **Adjustments to the 30-day resolution period**, not later than 45 days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to you and the school district.

KDE must also ensure that not later than 30 days after the receipt of a request for review of the hearing decision:

1. A final decision is reached in the review; **and**
2. A copy of the decision is mailed to you and the school district.

A hearing officer may grant specific extensions of time beyond the periods described above (45 days for a hearing decision and 30 days for a review decision) if you or the school district make a request for a specific extension of the timeline.

Each hearing and review involving oral arguments must be conducted at a time and place that is reasonably convenient to you and your child.

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**CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS****34 CFR §300.516****General**

Any party (you or the school district) who does not agree with the findings and decision of the Exceptional Children Appeals Board (ECAB) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing (including a hearing relating to disciplinary procedures). The action may be brought in a State court of competent jurisdiction (a court that has the authority under Kentucky law to hear this type of case) or in a United States Federal district court without regard to the amount in dispute.

**Time limitation**

The party (you or the school district) bringing the action shall have 30 days from the date of the decision of the ECAB to file a civil action in court.

**Additional procedures**

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the school district's request; **and**
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

**Jurisdiction of Federal district courts**

The Federal district courts of the United States have authority to rule on actions brought under Part B of the IDEA without regard to the amount in dispute.

**Rule of construction**

Nothing in Part B of the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of the IDEA. This means that you may have remedies available under other laws that overlap with those available under the IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under the IDEA (i.e., the

due process hearing request, resolution meeting, and impartial due process hearing procedures) before going directly into court.

#### ATTORNEYS' FEES

##### 34 CFR §300.517

#### General

In any action or proceeding brought under Part B of the IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you.

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing school district or KDE, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; or (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing school district or KDE, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding.

#### Award of fees

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of the IDEA for services performed after a written offer of settlement to you if:
  - a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing or State-level review, at any time more than 10 days before the proceeding begins;
  - b. The offer is not accepted within 10 days; and
  - c. The court or administrative hearing officer finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.

Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.

3. Fees may not be awarded relating to any meeting of the Admissions and Release Committee (ARC) unless the meeting is held as a result of an administrative proceeding or court action.
4. Fees also may not be awarded for a mediation as described under the heading **Mediation**.
5. A resolution meeting, as described under the heading **Resolution meeting**, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of the IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;

2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; **or**
4. The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading, ***Due Process Complaint/Hearing Request***.

However, the court may not reduce fees if the court finds that the school district or KDE unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of the IDEA.

#### PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES

##### AUTHORITY OF SCHOOL PERSONNEL

##### 34 CFR §300.530

##### Case-by-case determination

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

##### General

**The following provisions apply, unless a shorter time period is set forth in the district's policies and procedures.**

To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 school days** in a row, remove a child with a disability who violates a code of student conduct from his or her current placement. The child may be removed to;

- an appropriate interim alternative educational setting (which must be determined by the child's Admissions and Release Committee (ARC),
- another setting, or
- suspension.

School personnel may also impose additional removals of the child of not more than **10 school days** in a row in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement. (For the definition of ***Change of Placement Because of Disciplinary Removals***, see below).

Once a child with a disability has been removed from his or her current placement for a total of **10 school days** in the same school year, the school district must, during any subsequent days of removal in that school year, provide services to the extent required. (See explanation below, under the sub-heading, **Services**).

##### Additional authority

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see ***Manifestation determination***, below) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that child with a

disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under **Services**. The child's ARC determines the interim alternative educational setting for such services.

In no event shall the school district terminate educational services to students with disabilities who have been expelled.

### Services

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting.

A school district is only required to provide services to a child with a disability who has been removed from his or her current placement for **10 school days or less** in that school year, if it provides services to a child without disabilities who has been similarly removed.

A child with a disability who is removed from the child's current placement for **more than 10 school days** must:

1. Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; **and**
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

If a child with a disability has been removed from his or her current placement for **10 school days** in that same school year, and

- **if** the current removal is for **10 school days** in a row or less **and**
- if the removal is not a change of placement (see definition below),

**then** school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see definition below), the child's ARC determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

### Manifestation determination

Within **10 school days** of any decision to change the educational placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, the parent, and relevant members of the ARC (as determined by the parent and the school district) must do a Manifestation Determination. The relevant ARC members must review all relevant information in the student's file, including:

- the child's IEP,
- any teacher observations, and
- any relevant information provided by the parents

The relevant ARC members then determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; **or**



2. If the conduct in question was the direct result of the school district's failure to implement the child's IEP.

If the school district, the parent, and relevant members of the child's ARC determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If the school district, the parent, and relevant members of the child's ARC determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

#### **Determination that behavior was a manifestation of the child's disability**

If the school district, the parent, and relevant members of the ARC determine that the conduct was a manifestation of the child's disability, the ARC must either:

1. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading, ***Special circumstances***, the school district must return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

#### **Special circumstances**

Whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's ARC) for up to 45 school days, if the child:

1. Carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the school district or KDE;
2. Knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance, (see the definition below), while at school, on school premises, or at a school function under the jurisdiction of the school district or KDE; or
3. Has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district or KDE;

#### **Definitions**

*Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

*Illegal drug* means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

*Serious bodily injury* has the meaning given the term "serious bodily injury" under 18 U.S.C. 1365(h)(3).

*Weapon* has the meaning given the term "dangerous weapon" under 18 U.S.C. 930(g)(2).

#### **Notification**

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, the school district must notify the parents of that decision and provide the parents with a procedural safeguards notice.

**CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS****34 CFR §300.536**

A removal of a child with a disability from the child's current educational placement is a **change of placement** if:

1. The removal is for more than 10 school days in a row; **or**
2. The child has been subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than 10 school days in a school year;
  - b. The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals;
  - c. Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another; **and**

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

**DETERMINATION OF SETTING****34 CFR § 300.531**

The ARC must determine the interim alternative educational setting for removals that are **changes of placement** and removals under the headings, **Additional authority** and **Special circumstances**, above.

**APPEAL****34 CFR § 300.532****General**

The parent of a child with a disability may file a due process hearing request (see above, **Filing a Due Process Complaint (Due Process Hearing Request)**) to request a due process hearing if he or she disagrees with:

1. Any decision regarding placement made under these discipline provisions; **or**
2. The manifestation determination described above.

The school district may file a due process complaint (see above, **Filing a Due Process Complaint (Due Process Hearing Request)**) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

**Authority of hearing officer**

A hearing officer that meets the requirements described under the sub-heading, **Impartial Hearing Officer**, must conduct the due process hearing and make a decision. The hearing officer may:

1. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading, **Authority of School Personnel**, or that the child's behavior was a manifestation of the child's disability; **or**
2. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a parent or a school district files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings, ***Due Process Complaint Procedures, Hearings on Due Process Complaints***, and ***Appeal of decisions; impartial review***, except as follows:

1. KDE must arrange for an expedited due process hearing, which must occur within **20** school days of the date the hearing is requested and must result in a determination within **10** school days after the hearing.
2. Unless the parents and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** days of receipt of the due process complaint.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings (see ***Appeals***, above).

#### PLACEMENT DURING APPEALS

##### 34 CFR §300.533

When, as described above, the parent or school district has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the school district agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading, ***Authority of School Personnel***, whichever occurs first.

#### PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

##### 34 CFR §300.534

#### General

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

#### Basis of knowledge for disciplinary matters

A school district must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child;
2. The parent requested an evaluation related to eligibility for special education and related services under IDEA; **or**
3. The child's teacher or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the school district's director of special education or to other supervisory personnel of the school district.

**Exception**

A school district would not be deemed to have such knowledge if:

1. The child's parent has not allowed an evaluation of the child or refused special education services; or
2. The child has been evaluated and determined to not be a child with a disability under IDEA.

**Conditions that apply if there is no basis of knowledge**

If prior to taking disciplinary measures against the child, a school district does not have knowledge that a child is a child with a disability, as described above under the sub-headings, ***Basis of knowledge for disciplinary matters*** and ***Exception***, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by the parents, the school district must provide special education and related services in accordance with IDEA, including the disciplinary requirements described above.

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**REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES****34 CFR §300.535**

Part B of the IDEA does not:

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or
2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

**Transmittal of records**

If a school district reports a crime committed by a child with a disability, the school district:

1. Must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and
2. May transmit copies of the child's special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

# **REQUIREMENTS FOR UNILATERAL PLACEMENT BY PARENTS OF CHILDREN IN PRIVATE SCHOOLS AT PUBLIC EXPENSE**

## **GENERAL**

### **34 CFR §300.148**

Part B of the IDEA does not require a school district to pay for the cost of special education and related services of your child with a disability at a private school or facility, if the school district made a free appropriate public education (FAPE) available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

### **Reimbursement for private school placement**

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or a hearing officer may require the district to reimburse you for the cost of that enrollment if the court or hearing officer finds that the district had not made a free appropriate public education (FAPE) available to your child in a timely manner prior to that enrollment. The Court or hearing officer must also find that your private placement is appropriate, in order for you to receive reimbursement.

A hearing officer or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the KDE and school districts.

### **Limitation on reimbursement**

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. (a) If, at the most recent Admissions and Release Committee (ARC) meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or
  - (b) If at least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information;
2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you, of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; or
3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if:
  - The school prevented you from providing the notice;
  - You had not received notice of your responsibility to provide the notice described above; or
  - Compliance with the requirements above would likely result in physical harm to your child; and

2. May, in the discretion of the court or a hearing officer, not be reduced or denied for the parents' failure to provide the required notice if:
  - The parent is not literate or cannot write in English; or
  - Compliance with the above requirement would likely result in serious emotional harm to the child.

# JCS Procedural Safeguards

Friday, June 19, 2020  
3:53 PM

## Jessamine County Schools Procedural Safeguards Notice

*The Individuals with Disabilities Education Act (IDEA) is the Federal law concerning the education of students with disabilities. IDEA requires school districts to provide parents of a child with a disability with a notice containing a full explanation of the procedural safeguards available under the IDEA and U.S. Department of Education regulations.*

This procedural safeguards notice must include a full explanation of all procedural safeguards available under the Federal IDEA regulations: Unilateral Placement at Private School at Public Expense (34 CFR 300.148); Formal Written Complaint Procedures (300.151 through 300.153); Consent (34 CFR 300.300); Procedural Safeguards in Subpart E of the IDEA Regulations (34 CFR 300.502 through 300.503, 34 CFR 300.505 through 300.518, and 34 CFR 300.530 through 300.536); and Confidentiality of Information Provisions in Subpart F (34 CFR 300.610 through 300.625). A copy of the Procedural Safeguards Notice must be given to parents only one time a school year, except that a copy must be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first formal written complaint under 34 CFR §§300.151 through 300.153 and upon receipt of the first due process hearing request under §300.507 in a school year;
- When a decision is made to take a disciplinary action that constitutes a change of placement; and
- Upon parent request. [34 CFR §300.504(a)]

The Office of Special Education Programs (OSEP) has drafted a model Procedural Safeguards Notice for use by the States, which contains the information required by IDEA. The Kentucky Department of Education has adopted the OSEP model notice and has added Kentucky-specific information to make the notice relevant for use in Kentucky.

The resulting Kentucky Procedural Safeguards Notice complies with the 2004 IDEA Reauthorization and corresponding Kentucky law. Kentucky school districts may draft their own Procedural Safeguards Notice and are not required to use the model notice; however, districts that use the KDE model notice ensure their compliance with IDEA in this area.

### Prior Written Notice 34 CFR §300.503 Notice

Jessamine County Schools must give you written notice (provide you certain information in writing), whenever it:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; or
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

### Content of notice

The written notice must:

1. Describe the action that Jessamine County Schools proposes or refuses to take;
2. Explain why Jessamine County Schools is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report Jessamine County Schools used in deciding to propose or refuse the action; include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
5. Tell you how you can obtain a description of the procedural safeguards if the action that Jessamine County Schools is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child's Admissions and Release Committee (ARC) considered and the reasons why those choices were rejected; and
8. Provide a description of other reasons why Jessamine County Schools proposed or refused the action.

### Notice in understandable language

The notice must be:

1. Written in language understandable to the general public; and
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, Jessamine County Schools must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; and
3. There is written evidence that 1 and 2 have been met.

### Native Language 34 CFR §300.29

*Native language*, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a child, the language normally used by the child's parents;

2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment. For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

### Electronic Mail 34 CFR §300.505

If Jessamine County Schools offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; and
3. Notices related to a due process complaint (i.e., due process hearing).

### Parental Consent – Definition 34 CFR §300.9

#### Consent

Consent means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.
2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; and
3. You understand that the consent is voluntary on your part and you may withdraw your consent at anytime.

Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

### Parental Consent 34 CFR §300.300

#### Consent for initial evaluation

Jessamine County Schools cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described under this heading (*Parental Consent*).

Jessamine County Schools must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

Your consent for initial evaluation does not mean that you have also given your consent for Jessamine County Schools to start providing special education and related services to your child.

If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, Jessamine County Schools may, but is not required to, seek to conduct an initial evaluation of your child by utilizing IDEA's procedural safeguards, such as mediation, an impartial due process hearing and resolution meeting. Jessamine County Schools will not violate its obligations to locate, identify and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

#### Special rules for initial evaluation of wards of the State

If a child is a ward of the State and is not living with his/her parent —

Jessamine County Schools does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. Despite reasonable efforts to do so, Jessamine County Schools cannot find the child's parent;
2. The rights of the parents have been terminated in accordance with State law; or
3. A judge has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

In no event may the Kentucky Cabinet for Health and Family Services act as a parent under Part B of IDEA

*Ward of the State*, under Kentucky law, means: A child who has been committed to the Cabinet for Health and Family Services or the Department of Juvenile Justice through a legal process, whether the commitment is voluntary or non-voluntary and the biological or adoptive parent rights have been terminated;

*Ward of the State* does not include a foster child who has a foster parent.

#### Parental consent for services

Jessamine County Schools must obtain your informed consent before providing special education and related services to your child for the first time.

Jessamine County Schools must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you refuse or do not respond to a request to provide your consent for your child to receive special education and related services for the first time, Jessamine County Schools may not use the IDEA procedural safeguards, such as an impartial due process hearing and resolution meeting, to obtain a ruling that special education and related services be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent and Jessamine County Schools does not provide your child with the special education and related services, Jessamine County Schools:

## Jessamine County Schools Procedural Safeguards Notice

1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; and
2. Is not required to have an ARC meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

### Parental consent for reevaluations

Jessamine County Schools must obtain your informed consent before it reevaluates your child, unless Jessamine County Schools can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; and
2. You did not respond.

If you refuse to consent to your child's reevaluation, Jessamine County Schools may, but is not required to, pursue your child's reevaluation by seeking to override your refusal to consent to your child's reevaluation by using the impartial due process hearing/resolution meeting procedures. As with Initial evaluations, Jessamine County Schools does not violate its obligations under IDEA if it declines to pursue the reevaluation in this manner.

### Documentation of reasonable efforts to obtain parental consent

Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluation and to locate parents of wards of the State for initial evaluations. The documentation must include a record of Jessamine County Schools' attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; and
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

### Other consent requirements

Your consent is not required before Jessamine County Schools may:

1. Review existing data as part of your child's evaluation or a reevaluation; or
2. Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from all parents of all children.

Jessamine County Schools may not use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity.

If you have enrolled your child in a private school at your own expense or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, Jessamine County Schools may request an impartial due process hearing to require your consent. Jessamine County Schools is not required to consider your child as eligible to receive equitable services through a Services Plan (services made available to parentally-placed private school children with disabilities) if you refuse or fail to give consent.

### Independent Educational Evaluations 34 CFR §300.502

#### General

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by Jessamine County Schools.

If you request an independent educational evaluation, Jessamine County Schools must provide you with information about where you may obtain an independent educational evaluation and about Jessamine County Schools' criteria that apply to independent educational evaluations.

#### Definitions

*Independent educational evaluation* means an evaluation conducted by a qualified examiner who is not employed by Jessamine County Schools responsible for the education of your child.

*Public expense* means that Jessamine County Schools either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of the IDEA, which allow each State to use whatever State, local, Federal and private sources of support are available to meet the requirements of IDEA.

#### Parent right to evaluation at public expense

You have the right to an independent educational evaluation of your child at public expense if you disagree with an evaluation of your child obtained by Jessamine County Schools, subject to the following conditions:

1. If you request an independent educational evaluation of your child at public expense, Jessamine County Schools must, without unnecessary delay, either:  
(a) File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or  
(b) Provide an independent educational evaluation at public expense, unless Jessamine County Schools demonstrates in a hearing that the evaluation of your child that you obtained did not meet Jessamine County Schools' criteria.
2. If Jessamine County Schools requests a hearing and the final decision is that Jessamine County Schools' evaluation of your child is appropriate, you still have the right to an independent educational evaluation, but not at public expense.

3. If you request an independent educational evaluation of your child, Jessamine County Schools may ask why you object to the evaluation of your child obtained by Jessamine County Schools. However, Jessamine County Schools may not require an explanation and may not unreasonably delay either providing the independent educational evaluation of your child at public expense or filing a due process complaint to request a due process hearing to defend Jessamine County Schools' evaluation of your child. You are entitled to only one independent educational evaluation of your child at public expense each time Jessamine County Schools conducts an evaluation of your child with which you disagree.

### Parent-initiated evaluations

If you obtain an independent educational evaluation of your child at public expense or you share with Jessamine County Schools an evaluation of your child that you obtained at private expense:

1. Jessamine County Schools must consider the results of the evaluation of your child, if it meets Jessamine County Schools' criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education (FAPE) to your child; and
2. You or Jessamine County Schools may present the evaluation as evidence at a due process hearing regarding your child.

### Requests for evaluations by hearing officers

If a hearing officer requests an independent educational evaluation of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

### School district criteria

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that Jessamine County Schools uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an independent educational evaluation).

Except for the criteria described above, a school district may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

## Confidentiality of Information

### Definitions 34 CFR §300.611

As used under the heading, Confidentiality of Information:

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

### Personally Identifiable 34 CFR §300.32

*Personally identifiable* means information that has:

- (a) Your child's name, your name as the parent, or the name of another family member;
- (b) Your child's address;
- (c) A personal identifier, such as your child's social security number or student number; or
- (d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

### Notice to Parents 34 CFR §300.612

The Kentucky Department of Education (KDE) must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods that KDE intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
4. A description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99.

Before any major identification, location, or evaluation activity (also known as "child find"), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout Kentucky of the activity to locate, identify, and evaluate children in need of special education and related services.

### Access Rights 34 CFR §300.613



## Jessamine County Schools Procedural Safeguards Notice

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by the participating agency under IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before:

- Any meeting regarding an individualized education program (IEP), or
- Any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and
- In no case more than 45 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide you with copies of the records if you cannot effectively inspect and review the records unless you receive those copies; and
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable

Kentucky law governing such matters as guardianship, or separation and divorce.

### Record of Access 34 CFR §300.614

Each participating agency must keep 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 the participating agency). The record must include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

### Records on More Than One Child 34 CFR §300.615

If any education record includes information of more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

### List of Types and Locations of Information 34 CFR §300.616

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

### Fees 34 CFR §300.617

Each participating agency may charge a fee for copies of records that are made for you under IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records.

A participating agency may not charge a fee to search for or to retrieve information under IDEA.

### Amendment of Records at Parent's Request 34 CFR §300.618

If you believe that information in the education records regarding your child collected, maintained, or used under IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose as described below under the heading, *Opportunity for a Hearing*.

### Opportunity for a Hearing 34 CFR §300.619

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

### Hearing Procedures 34 CFR §300.621

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the Family Educational Rights and Privacy Act (FERPA).

### Result of Hearing 34 CFR §300.620

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform you in writing.

If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; and
2. If the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

### Consent For Disclosure of Personally Identifiable Information 34 CFR §300.622

Unless disclosure of the information contained in your child's education records is authorized without parental consent under the Family Educational Rights and Privacy Act (FERPA), your prior, written consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies.

Your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA, except under the circumstances specified below:

Your consent, or consent of an eligible child who has reached the age of eighteen (18), must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for secondary transition services

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in Jessamine County Schools where the private school is located and officials in Jessamine County Schools where you reside.

### Safeguards 34 CFR §300.623

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding your State's policies and procedures regarding confidentiality under IDEA and the Family Educational Rights and Privacy Act (FERPA).

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

## Jessamine County Schools Procedural Safeguards Notice

### Destruction of Information 34 CFR §300.624

Jessamine County Schools must inform you when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child.

The information must be destroyed at your request. However, a permanent record of your child'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.

### State Complaint Procedures

#### Difference Between Due Process Hearing Complaint (Due process Hearing) and State Formal Written Complaint Procedures

The regulations for IDEA set forth separate procedures for State formal written complaints and for due process complaints and hearings.

#### Who May File:

- As explained below, any individual or organization may file a formal written complaint alleging a violation of any Part B requirement by a school district, KDE, or any other public agency.
- Only you or a school district may file a due process complaint for a hearing, on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child with a disability, or the provision of a free appropriate public education (FAPE) to your child.

#### Time lines

- Staff of the KDE generally must resolve a formal written complaint within a 60-day time line, unless the timeline is properly extended.
- An impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45 days after the end of the resolution period, as described below under the heading Resolution Process, unless the hearing officer grants a specific extension of the timeline at your request or Jessamine County Schools' request.

The State formal written complaint and due process complaint, resolution and hearing procedures are described more fully below.

#### Adoption of State Formal Written Complaint Procedures 34 CFR §300.151 General

The Kentucky Department of Education (KDE) must have written procedures for:

1. Resolving any complaint, including a complaint filed by an organization or individual from another State;
2. The filing of a complaint with KDE.
3. Widely disseminating the State formal written complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

#### Remedies for denial of appropriate services

In resolving a State formal written complaint in which KDE has found a failure to provide appropriate services, KDE must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the child; and
2. Appropriate future provision of services for all children with disabilities.

#### Minimum State Complaint Procedures 34 CFR §300.152

##### Time limit; minimum procedures

KDE must include in its State formal written complaint procedures a time limit of 60-days after a complaint is filed to:

1. Carry out an independent on-site investigation, if KDE determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide Jessamine County Schools or other public agency with the opportunity to respond to the complaint including, at the option of the agency,
  - (a) A proposal to resolve the complaint; and
  - (b) An opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether Jessamine County Schools or other public agency is violating a requirement of Part B of the IDEA; and
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains:
  - (a) Findings of fact and conclusions; and
  - (b) The reasons for KDE's final decision.

Time extension; final decision; implementation

KDE's formal written complaint procedures, described above, also must:

1. Permit an extension of the 60-day time line only if:
  - (a) Exceptional circumstances exist with respect to a particular complaint; or
  - (b) the parent and Jessamine County Schools or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution.

2. Include procedures for effective implementation of KDE's final decision, if needed, including:
  - (a) Technical assistance activities;
  - (b) Negotiations; and
  - (c) Corrective actions to achieve compliance.

#### State complaints and due process hearings

If a State formal written complaint is received that is also the subject of a due process hearing as described below under the heading, *Filing a Due Process Complaint*, or the formal written complaint contains multiple issues of which one or more are part of such a hearing, KDE must set aside the formal written complaint, or any part of it that is being addressed in the due process hearing, until the hearing is over. Any issue in the formal written complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above for formal written complaints.

If an issue raised in a formal written complaint has previously been decided in a due process hearing involving the same parties (you and Jessamine County Schools), then the due process hearing decision is binding on that issue. KDE must inform the complainant that the due process hearing decision is binding.

A formal written complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by KDE.

#### Filing a (Formal Written) Complaint 34 CFR §300.153

An organization or individual may file a signed, formal written complaint under the procedures described above.

The complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of the IDEA or its regulations;
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and
4. If alleging violations regarding a specific child:
  - (a) The name of the child and address of the residence of the child;
  - (b) The name of the school the child is attending;
  - (c) In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
  - (d) A description of the nature of the problem of the child, including facts relating to the problem; and
  - (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that KDE receives the complaint, as described under the heading *Adoption of State Formal Written Complaint Procedures*.

The complaint shall be mailed to:

Director, Division of Exceptional Children Services  
Kentucky Department of Education  
500 Mero Street, Capital Plaza Tower  
8th Floor  
Frankfort, Kentucky 40601  
502.564.4970

The party filing the formal written complaint must forward a copy of the complaint to Jessamine County Schools or other public agency serving the child at the same time the party files the complaint with KDE.

### Due Process Complaint Procedures

#### Filing a Due Process Complaint (due Process hearing Request) 34 CFR §300.507

##### General

You or Jessamine County Schools may file a due process hearing request on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child or the provision of a free appropriate public education (FAPE) to your child.

The hearing request must allege a violation that happened not more than three years before you or Jessamine County Schools knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file for a hearing within the timeline because:

1. Jessamine County Schools specifically misrepresented that it had resolved the issues identified in the complaint; or
2. Jessamine County Schools withheld information from you that it was required to provide you under Part B of the IDEA.

##### Information for parents

Jessamine County Schools must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you or Jessamine County Schools file a hearing request.

#### Due Process Complaint (Due process hearing Request) 34 CFR §300.508

##### General

In order to request a hearing, you or Jessamine County Schools (or your attorney or Jessamine County Schools' attorney) must submit a due process complaint (hearing request) to the other party. The hearing request must contain all of the content listed below and must be kept confidential.

You or Jessamine County Schools, whichever one filed the hearing request, must also provide KDE with a copy of the request.

##### Content of the complaint (hearing request)

The due process complaint (hearing request) must include:

1. The name of the child;

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2. The address of the child's residence;
3. The name of the child's school;
4. A description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; and
5. A proposed resolution of the problem to the extent known and available to you or Jessamine County Schools at the time.
6. If the child is a homeless child or youth, the hearing request must contain the child's contact information and the name of the child's school;

The due process hearing request shall be mailed to:

Director, Division of Exceptional Children Services  
Kentucky Department of Education  
500 Mero Street, Capital Plaza Tower  
8th Floor  
Frankfort, Kentucky 40601  
502.564.4970

### Notice required before a hearing on a due process hearing request

You or Jessamine County Schools may not have a due process hearing until you or Jessamine County Schools (or your attorney or Jessamine County Schools' attorney), files a due process hearing request that includes the information listed above.

### Sufficiency of due process hearing request

In order for a due process hearing to go forward, the hearing request must be considered sufficient. The party filing the hearing request may assume that the request contains all required information and is sufficient, unless the party receiving the due process complaint makes a written objection.

To make an objection, the receiving party must, within 15 calendar days of receiving the hearing request, send written notice to the hearing officer and the party that asked for the hearing. The receiving party's written objection must state that the due process hearing request does not contain the IDEA requirements for a hearing request as listed above.

Within five calendar days of receiving the written notice, the hearing officer must decide if the hearing request meets the requirements listed above. The hearing officer must notify you and Jessamine County Schools in writing immediately.

### Complaint amendment

You or Jessamine County Schools may make changes to the complaint only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described below; or
2. By no later than five days before the due process hearing begins, the hearing officer grants permission for the changes.

If the party asking for the hearing (you or Jessamine County Schools) makes changes to the due process hearing request, the timelines for the resolution meeting (within 15 calendar days of receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

Local educational agency (LEA) or school district response to a due process complaint (hearing request)

If Jessamine County Schools has not sent a prior written notice to you, as described under the heading *Prior Written Notice*, regarding the subject matter contained in your hearing request, the district must send you a response within 10 calendar days of receiving the hearing request. The response must include:

1. An explanation of why Jessamine County Schools proposed or refused to take the action raised in the due process complaint;
2. A description of other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report Jessamine County Schools used as the basis for the proposed or refused action; and
4. A description of the other factors that are relevant to Jessamine County Schools' proposed or refused action.

Providing the information in items 1-4 above does not prevent Jessamine County Schools from asserting that your due process hearing request was insufficient.

### Other party response to a due process complaint (hearing request)

Except as stated immediately above, under *Local educational agency (LEA) or school district response to a due process complaint (hearing request)*, the party receiving a hearing request must send the other party a response that specifically addresses the issues raised in the hearing request. The response must be sent within 10 calendar days of receiving the hearing request.

### Model Forms 34 CFR §300.509

KDE must develop model forms to help you file a due process hearing request and a formal written complaint. However, you cannot be required to use these model forms. You can use the KDE form or another appropriate model form, so long as it contains the required information for filing a due process hearing request or a formal written complaint.

### Mediation 34 CFR §300.506

#### General

Jessamine County Schools must have a process in place that allows you and Jessamine County Schools to resolve disagreements involving any matter under Part B of the IDEA, including matters arising prior to the filing of a due process hearing request. Thus, mediation is available to resolve disputes under IDEA, even if you have not

requested a due process hearing as described under the heading, *Filing a Due Process Complaint (Due Process Hearing Request)*.

### Requirements

The procedures must ensure that the mediation process:

1. Is voluntary on your part and Jessamine County Schools' part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under IDEA; and
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

KDE must have a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. KDE must select mediators on a random, rotational, or other impartial basis.

KDE is responsible for the cost of the mediation process, including the costs of meetings.

Each meeting in the mediation process must be scheduled in a timely manner not to exceed sixty (60) days and held at a place that is convenient for you and Jessamine County Schools.

If you and Jessamine County Schools resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
2. Is signed by both you and a representative of Jessamine County Schools who has the authority to bind Jessamine County Schools.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under Kentucky law to hear this type of case) or in a United States Federal district court.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any Federal or State court.

### Impartiality of mediator

The mediator:

1. Shall not be an employee of KDE or Jessamine County Schools that is involved in the education or care of your child; and
2. Shall not have a personal or professional interest which conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of KDE or a school district solely because he or she is paid by KDE or the district to serve as a mediator.

The Child's Placement while the Due Process request and Hearing are Pending ("Stay-put" rule) 34 CFR §300.518

Except as provided below under the heading, *PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES*, once a due process hearing request is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the State or school district agree otherwise, your child must remain in his or her current educational placement.

If the due process hearing involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process hearing involves an application for initial services under IDEA for a child who is transitioning from First Steps to preschool and who is no longer eligible for First Steps services because the child has turned three, Jessamine County Schools is not required to provide the First Steps services that the child has been receiving. If the child is found eligible under IDEA for preschool services and you consent for the child to receive special education and related services for the first time, then, pending the outcome of any appeals, Jessamine County Schools must provide those special education and related services that are not in dispute (those which you and Jessamine County Schools both agree upon).

### Resolution Process 34 CFR §300.510

#### Resolution meeting

Within 15 days of receiving notice of your due process complaint, and before the due process hearing begins, Jessamine County Schools must convene a meeting with you and the relevant member or members of the Admissions and Release Committee (ARC) who have specific knowledge of the facts identified in your due process hearing request.

The meeting:

1. Must include a representative of Jessamine County Schools who has decision-making authority on behalf of Jessamine County Schools; and
2. May not include an attorney of Jessamine County Schools unless you are accompanied by an attorney.

You and Jessamine County Schools determine the relevant members of the ARC to attend the meeting.

The purpose of the meeting is for you to discuss your hearing request, and the facts that form the basis of the request, so that Jessamine County Schools has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. You and Jessamine County Schools agree in writing to waive the meeting; or
2. You and Jessamine County Schools agree to use the mediation process, as described under the heading *Mediation*.

### Resolution period

## Jessamine County Schools Procedural Safeguards Notice

If Jessamine County Schools has not resolved the issues raised in your hearing request to your satisfaction within 30 days of the receipt of the hearing request (during the time period for the resolution process), the due process hearing may occur.

The 45-day time line for issuing a final decision begins at the expiration of the 30-day resolution period, with certain exceptions for adjustments made to the 30 day resolution period, as described below.

Except where you and Jessamine County Schools have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting.

If after making reasonable efforts and documenting such efforts, Jessamine County Schools is not able to obtain your participation in the resolution meeting, Jessamine County Schools may, at the end of the 30-day resolution period, request that a hearing officer dismiss your due process complaint. Documentation of the district's efforts must include a record of its attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If Jessamine County Schools fails to hold the resolution meeting within 15 days of receiving notice of your hearing request or fails to participate in the resolution meeting, you may ask a hearing officer to order that the 45-day timeline for the due process hearing begin.

### Adjustments to the 30-day resolution period

If you and Jessamine County Schools agree in writing to waive the resolution meeting, then the 45-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-day resolution period, if you and Jessamine County Schools agree in writing that no agreement is possible, then the 45-day time line for the due process hearing starts the next day.

If you and Jessamine County Schools agree to use the mediation process, at the end of the 30-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or Jessamine County Schools withdraws from the mediation process, then the 45-day time line for the due process hearing starts the next day.

### Written settlement agreement

If a resolution to the dispute is reached at the resolution meeting, you and Jessamine County Schools must enter into a legally binding agreement that is:

1. Signed by you and a representative of Jessamine County Schools who has the authority to bind Jessamine County Schools; and
2. Enforceable in any State court of competent jurisdiction (a court that has the authority under Kentucky law to hear this type of case) or in a United States Federal district court.

### Agreement review period

If you and Jessamine County Schools enter into an agreement as a result of a resolution meeting, either party (you or Jessamine County Schools) may void the agreement within 3 business days of the time that both you and Jessamine County Schools signed the agreement.

### Definitions - Day, Business day 34 CFR §300.11

*Day* means calendar day, unless otherwise indicated as business day or school day.

*Business day* means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the definition of business day).

## Hearings on Due Process Complaints/ Hearing

### Requests

#### Impartial Due Process Hearing 34 CFR §300.511

##### General

Whenever a due process hearing request is filed, you or Jessamine County Schools involved in the dispute must have an opportunity for an impartial due process hearing, as described in the *Due Process Complaint/ Hearing Request and Resolution Process* sections.

##### Impartial hearing officer

At a minimum, a hearing officer:

1. Must not be an employee of KDE or Jessamine County Schools that is involved in the education or care of the child. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be knowledgeable and understand the provisions of the IDEA, and Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts; and
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

Each school district must keep a list of those persons who serve as hearing officers that includes a statement of the qualifications of each hearing officer.

Subject matter of due process hearing

The party (you or Jessamine County Schools) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

### Timeline for requesting a hearing

You or Jessamine County Schools must request an impartial hearing on a due process complaint within three years of the date you or Jessamine County Schools knew or should have known about the issue addressed in the complaint.

### Exceptions to the timeline

The three year timeline does not apply to you if you could not file a due process complaint because:

1. Jessamine County Schools did not provide you with prior written notice or the procedural safeguards notice; or
2. Jessamine County Schools specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; or
3. Jessamine County Schools withheld information from you that was relevant to the hearing issues.

### Hearing Rights 34 CFR §300.512

#### General

Any party to a due process hearing (including a hearing relating to disciplinary procedures) or an appeal, as described under the sub-heading *Appeal of decisions; impartial review* has the right to:

1. Be accompanied and advised by a lawyer and/or persons with special knowledge or training regarding the problems of children with disabilities;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least five business days before the hearing;
4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; and
5. Obtain written, or, at your option, electronic findings of fact and decisions.

#### Additional disclosure of information

At least five business days prior to a due process hearing, you and Jessamine County Schools must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or Jessamine County Schools intend to use at the hearing.

A hearing officer may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

#### Parental rights at hearings

You must be given the right to:

1. Have your child present;
2. Open the hearing to the public; and
3. Have the record of the hearing, the findings of fact and decisions provided to you at no cost.

### Hearing Decisions 34 CFR §300.513

#### Decision of hearing officer

A hearing officer's decision on whether your child received a free appropriate public education (FAPE) must be based on substantive grounds.

In matters alleging a procedural violation, a hearing officer may find that your child did not receive FAPE only if the procedural inadequacies:

1. Interfered with your child's right to a free appropriate public education (FAPE);
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to your child; or
3. Caused a deprivation of an educational benefit.

#### Construction clause

None of the provisions described above can be interpreted to prevent a hearing officer from ordering a school district to comply with the requirements in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536).

None of the provisions under the headings: *Filing a Due Process Complaint/ Hearing Request; Due Process Complaint/Hearing Request; Model Forms; Resolution Process; Impartial Due Process Hearing; Hearing Rights; and Hearing Decisions* (34 CFR §§300.507 through 300.513), can affect your right to file an appeal of the due process hearing decision with KDE.

#### Separate request for a due process hearing

Nothing in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

#### Findings and decision to advisory panel and general public

KDE, after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; and
2. Make those findings and decisions available to the public.

## Appeals

### Finality of Decision; Appeal; Impartial Review 34 CFR §300.514

#### Finality of hearing decision

## Jessamine County Schools Procedural Safeguards Notice

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or Jessamine County Schools) may appeal the decision to KDE's Exceptional Children Appeals Board (ECAB).

### Appeal of decisions; impartial review

If a party (you or Jessamine County Schools) disagree with the hearing officer's findings and decision, an appeal may be brought to the ECAB.

If there is an appeal, the ECAB must conduct an impartial review of the findings and decision appealed. The ECAB members conducting the review must:

1. Examine the entire hearing record;
2. Ensure that the procedures at the hearing were consistent with the requirements of due process;
3. Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the hearing rights described above under the heading *Hearing Rights* apply;
4. Give the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;
5. Make an independent decision on completion of the review; and
6. Give you and Jessamine County Schools a copy of the written, or, at your option, electronic findings of fact and decisions.

### Findings and decision to advisory panel and general public

KDE, after deleting any personally identifiable information, must:

1. Provide the findings and decisions of the appeal to the State special education advisory panel; and
2. Make those findings and decisions available to the public.

### Finality of review decision

The decision made by the ECAB is final unless you or Jessamine County Schools brings a civil action, as described below.

### Timeliness and Convenience of Hearings and Reviews 34 CFR §300.515

KDE must ensure that not later than 45 days after the expiration of the 30-day period for resolution meetings or, as described under the sub-heading *Adjustments to the 30-day resolution period*, not later than 45 days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to you and Jessamine County Schools.

KDE must also ensure that not later than 30 days after the receipt of a request for review of the hearing decision:

1. A final decision is reached in the review; and
2. A copy of the decision is mailed to you and Jessamine County Schools.

A hearing officer may grant specific extensions of time beyond the periods described above (45 days for a hearing decision and 30 days for a review decision) if you or Jessamine County Schools make a request for a specific extension of the timeline.

Each hearing and review involving oral arguments must be conducted at a time and place that is reasonably convenient to you and your child.

### Civil Actions, Including the Time Period in Which to File Those Actions 34 CFR §300.516

#### General

Any party (you or Jessamine County Schools) who does not agree with the findings and decision of the Exceptional Children Appeals Board (ECAB) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing (including a hearing relating to disciplinary procedures). The action may be brought in a State court of competent jurisdiction (a court that has the authority under Kentucky law to hear this type of case) or in a United States Federal district court without regard to the amount in dispute.

#### Time limitation

The party (you or Jessamine County Schools) bringing the action shall have 30 days from the date of the decision of the ECAB to file a civil action in court.

#### Additional procedures

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at Jessamine County Schools request; and
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

#### Jurisdiction of Federal district courts

The Federal district courts of the United States have authority to rule on action brought under Part B of the IDEA without regard to the amount in dispute.

#### Rule of construction

Nothing in Part B of the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of the IDEA. This means that you may have remedies available under other laws that overlap with those available under the IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under the IDEA (i.e., the due process hearing request, resolution meeting, and impartial due process hearing procedures) before going directly into court.

### Attorneys' Fees 34 CFR §300.517

#### General

In any action or proceeding brought under Part B of the IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you. In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing school district or KDE, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; or (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing school district or KDE, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding.

#### Award of fees

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of the IDEA for services performed after a written offer of settlement to you if:
  - a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing or State-level review, at any time more than 10 days before the proceeding begins;
  - b. The offer is not accepted within 10 days; and
  - c. The court or administrative hearing officer finds that the relief finally obtained by you is not more favorable to you than the offer of settlement. Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.
3. Fees may not be awarded relating to any meeting of the Admissions and Release Committee (ARC) unless the meeting is held as a result of an administrative proceeding or court action.
4. Fees also may not be awarded for a mediation as described under the heading *Mediation*.
5. A resolution meeting, as described under the heading *Resolution meeting*, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of the IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. The attorney representing you did not provide to Jessamine County Schools the appropriate information in the due process request notice as described under the heading, *Due Process Complaint/ Hearing Request*.

However, the court may not reduce fees if the court finds that Jessamine County Schools or KDE unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of the IDEA.

## Procedures When Disciplining Children with Disabilities

### Authority of School Personnel 34 CFR §300.530

#### Case-by-case determination

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

#### General

The following provisions apply, unless a shorter time period is set forth in the district's policies and procedures.

To the extent that they also take such action for children without disabilities, school personnel may, for not more than 10 school days in a row, remove a child with a disability who violates a code of student conduct from his or her current placement. The child may be removed to:

- an appropriate interim alternative educational setting (which must be determined by the child's Admissions and Release Committee (ARC),
- another setting, or
- suspension.

School personnel may also impose additional removals of the child of not more than 10 school days in a row in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement. (For the definition of *Change of Placement Because of Disciplinary Removals*, see below).

Once a child with a disability has been removed from his or her current placement for a total of 10 school days in the same school year, Jessamine County Schools must,

## Jessamine County Schools Procedural Safeguards Notice

during any subsequent days of removal in that school year, provide services to the extent required. (See explanation below, under the sub-heading, *Services*.)

### Additional authority

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see *Manifestation determination*, below) and the disciplinary change of placement would exceed 10 school days in a row, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under *Services*. The child's ARC determines the interim alternative educational setting for such services.

In no event shall Jessamine County Schools terminate educational services to students with disabilities who have been expelled.

### Services

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting.

A school district is only required to provide services to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who has been similarly removed.

A child with a disability who is removed from the child's current placement for more than 10 school days must:

1. Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

If a child with a disability has been removed from his or her current placement for 10 school days in that same school year, and

- if the current removal is for 10 school days in a row or less and
- if the removal is not a change of placement (see definition below), then school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see definition below), the child's ARC determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

### Manifestation determination

Within 10 school days of any decision to change the educational placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is for 10 school days in a row or less and not a change of placement), Jessamine County Schools, the parent, and relevant members of the ARC (as determined by the parent and Jessamine County Schools) must do a Manifestation Determination. The relevant ARC members must review all relevant information in the student's file, including:

- the child's IEP,
- any teacher observations, and
- any relevant information provided by the parents

The relevant ARC members then determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. If the conduct in question was the direct result of Jessamine County Schools' failure to implement the child's IEP.

If Jessamine County Schools, the parent, and relevant members of the child's ARC determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If Jessamine County Schools, the parent, and relevant members of the child's ARC determine that the conduct in question was the direct result of Jessamine County Schools' failure to implement the IEP, Jessamine County Schools must take immediate action to remedy those deficiencies.

**Determination that behavior was a manifestation of the child's disability**

If Jessamine County Schools, the parent, and relevant members of the ARC determine that the conduct was a manifestation of the child's disability, the ARC must either:

1. Conduct a functional behavioral assessment, unless Jessamine County Schools had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading, *Special circumstances*, Jessamine County Schools must return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

### Special circumstances

Whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's ARC) for up to 45 school days, if the child:

1. Carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of Jessamine County Schools or KDE;
2. Knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance, (see the definition below), while at school, on school premises, or at a school function under the jurisdiction of Jessamine County Schools or KDE; or
3. Has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of Jessamine County Schools or KDE;

### Definitions

*Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

*Illegal drug* means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

*Serious bodily injury* has the meaning given the term "serious bodily injury" under 18 U.S.C. 1365(h) (3). *Weapon* has the meaning given the term "dangerous weapon" under 18 U.S.C. 930(g) (2).

### Notification

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, Jessamine County Schools must notify the parents of that decision and provide the parents with a procedural safeguards notice.

### Change of Placement Because of Disciplinary Removals 34 CFR §300.536

A removal of a child with a disability from the child's current educational placement is a change of placement if:

1. The removal is for more than 10 school days in a row; or
2. The child has been subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than 10 school days in a school year;
  - b. The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals;
  - c. Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another; and

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by Jessamine County Schools and, if challenged, is subject to review through due process and judicial proceedings.

### Determination of Setting 34 CFR § 300.531

The ARC must determine the interim alternative educational setting for removals that are changes of placement and removals under the headings, *Additional authority* and *Special circumstances*, above.

### Appeal 34 CFR § 300.532

#### General

The parent of a child with a disability may file a due process hearing request (see above, *Filing a Due Process Complaint (Due Process Hearing Request)*) to request a due process hearing if he or she disagrees with:

1. Any decision regarding placement made under these discipline provisions; or
2. The manifestation determination described above.

Jessamine County Schools may file a due process complaint (see above, *Filing a Due Process Complaint (Due Process Hearing Request)*) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

#### Authority of hearing officer

A hearing officer that meets the requirements described under the sub-heading, *Impartial Hearing Officer*, must conduct the due process hearing and make a decision. The hearing officer may:

1. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading, *Authority of School Personnel*, or that the child's behavior was a manifestation of the child's disability; or
2. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if Jessamine County Schools believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a parent or a school district files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings, *Due Process Complaint Procedures*, *Hearings on Due Process Complaints*, and *Appeal of decisions; impartial review*, except as follows:

1. KDE must arrange for an expedited due process hearing, which must occur within 20 school days of the date the hearing is requested and must result in a determination within 10 school days after the hearing.
2. Unless the parents and Jessamine County Schools agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur



## Jessamine County Schools Procedural Safeguards Notice

within seven days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings (see *Appeals*, above).

### Placement During Appeals 34 CFR §300.533

When, as described above, the parent or school district has filed a due process complaint related to disciplinary matters, the child must (unless the parent and Jessamine County Schools agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading, *Authority of School Personnel*, whichever occurs first.

### Protections for Children Not Yet Eligible for Special Education and Related Services 34 CFR §300.534

#### General

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but Jessamine County Schools had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

#### Basis of knowledge for disciplinary matters

A school district must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child;
2. The parent requested an evaluation related to eligibility for special education and related services under IDEA; or
3. The child's teacher or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to Jessamine County Schools' director of special education or to other supervisory personnel of Jessamine County Schools.

#### Exception

A school district would not be deemed to have such knowledge if:

1. The child's parent has not allowed an evaluation of the child or refused special education services; or
2. The child has been evaluated and determined to not be a child with a disability under IDEA.

#### Conditions that apply if there is no basis of knowledge

If prior to taking disciplinary measures against the child, a school district does not have knowledge that a child is a child with a disability, as described above under the sub-headings, *Basis of knowledge for disciplinary matters* and *Exception*, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by Jessamine County Schools, and information provided by the parents, Jessamine County Schools must provide special education and related services in accordance with IDEA, including the disciplinary requirements described above. Referral to and Action by Law Enforcement and Judicial Authorities 34 CFR §300.535

Part B of the IDEA does not:

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or
2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

#### Transmittal of records

If a school district reports a crime committed by a child with a disability, Jessamine County Schools:

1. Must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and
2. May transmit copies of the child's special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

### Requirements for Unilateral Placement by Parents of Children in Private Schools at Public Expense

#### General 34 CFR §300.148

Part B of the IDEA does not require a school district to pay for the cost of special education and related services of your child with a disability at a private school or facility, if Jessamine County Schools made a free appropriate public education (FAPE) available to your child and you choose to place the child in a private school or facility.

However, Jessamine County Schools where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

#### Reimbursement for private school placement

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by Jessamine County Schools, a court or a hearing officer may require the district to reimburse you for the cost of that enrollment if the court or hearing officer finds that the district had not made a free appropriate public education (FAPE) available to your child in a timely manner prior to that enrollment. The Court or hearing officer must also find that your private placement is appropriate, in order for you to receive reimbursement.

A hearing officer or court may find your placement to be appropriate, even if the placement does not meet the state standards that apply to education provided by the KDE and school districts.

#### Limitation on reimbursement

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. (a) If, at the most recent Admissions and Release Committee (ARC) meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by Jessamine County Schools to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or  
(b) If at least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to Jessamine County Schools of that information;
2. If, prior to your removal of your child from the public school, Jessamine County Schools provided prior written notice to you, of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; or
3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if:
  - The school prevented you from providing the notice;
  - You had not received notice of your responsibility to provide the notice described above; or
  - Compliance with the requirements above would likely result in physical harm to your child; and
2. May, in the discretion of the court or a hearing officer, not be reduced or denied for the parents' failure to provide the required notice if:
  - The parent is not literate or cannot write in English; or
  - Compliance with the above requirement would likely result in serious emotional harm to the child.





## KY Regs : IDEA 2004 Part B

Friday, June 19, 2020  
3:04 PM

## FAQ: Kentucky Specific Regulations as related to IDEA 2004 Part B (ages 3-21)

| FAQ/<br>Topic                                                     | Individuals with <u>Disabilities</u> <u>Education</u><br><u>Improvement Act of 2004</u><br>(IDEA) Regulations                                                                                                                                                                                                                                                                                                                                                                               | Kentucky Administrative Regulations<br>(KAR) revised August 4, 2008                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Timeline for<br>Schools to have<br>initial Evaluations<br>done by | Part 300 / <u>D</u> / Sec. 300.301 Initial evaluations.<br>(c) (1) (i) Must be conducted within 60 days of<br>receiving parental consent for the evaluation; <u>or</u><br>(ii) If the State establishes a timeframe within<br><u>which the evaluation must be conducted, within</u><br><u>that timeframe;</u> and                                                                                                                                                                           | 707 KAR 1:320. Individual education program.<br>Section 2. ARC Meetings.<br>(3) An <u>LEA</u> shall ensure that within sixty (60) school<br><u>days following the receipt of the parental consent</u><br><u>for an initial evaluation of a child:</u>                                                                                                                                                                                                                                                                         |
| How often is there a<br>reevaluation?                             | Part 300 / <u>D</u> / 300.303 Reevaluations.<br>(a) (2) If the child's parent or teacher requests a<br>reevaluation.<br>(b) <u>Limitation.</u> A reevaluation conducted under<br>paragraph (a) of this section--<br>(1) <u>May</u> occur not more than once a year, unless<br>the parent and the public agency agree<br>otherwise; and<br>(2) <u>Must</u> occur <u>at least once every 3 years,</u><br>unless the parent and the public agency agree<br>that a reevaluation is unnecessary. | 707 KAR 1:300. Child find, evaluation, and<br>reevaluation. Section 4. Evaluation and<br>Reevaluation Procedures.<br>(18) An LEA shall ensure a reevaluation, unless the<br>parent and the LEA agree that a reevaluation is<br>unnecessary. A reevaluation may consist of the<br>review described in subsection (14) of this section,<br>and is conducted at least every three (3) years ....<br>(19) A reevaluation shall not be conducted more<br>than once a year unless the parent and the LEA<br><u>agree otherwise.</u> |

|                                                                                                                      |                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Once child is found eligible, timeline Admissions and Release Committee (ARC) meeting is to be held and write an IEP | Part <u>300 / D / 300.323</u> When IEPs must be in effect.<br>(c) <u>(1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and</u>                                                                                        | 707 KAR 1:320. Individual education program.<br>Section 2. ARC Meetings.<br>(4) <u>Within this sixty (60) school-day period, an LEA shall ensure that the ARC meeting to develop an IEP for the child is conducted within thirty (30) days of the determination that the child is eligible.</u>                          |
| If the parent does not agree with evaluation that was completed what then?                                           | Part <u>300 / E / 300.502</u> Independent educational evaluation.<br>(b) <u>(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs (b)(2) through (4) of this section.</u> | 707 KAR 1:340. Procedural safeguards and state complaint procedures.<br>Section 2. Independent Educational Evaluation.<br>(6) <u>A parent shall be entitled to only one (1) independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parents disagree.</u> |
| When is IEP to take effect following the ARC meeting to write IEP                                                    | Part <u>300 / D / 300.323</u> When IEPs must be in effect.<br>(c) <u>(2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.</u>                                                                               | 707 KAR 1:320. Individual education program.<br>(4) An LEA shall ensure the IEP;<br>(b) <u>Is implemented as soon as possible following an ARC meeting.</u>                                                                                                                                                              |
| When should an IEP be reviewed and revised                                                                           | Part <u>300 / D / 300.324</u> Development, review, and revision of IEP.<br>(b) <u>Review and revision of IEPs.</u>                                                                                                                                                                                                          | 707 KAR 1:320. Individual education program.<br>Section 2. ARC Meetings.<br>(6) <u>An LEA shall ensure that the ARC: (a) Reviews</u>                                                                                                                                                                                     |

5/14/12

KY-SPIN, Inc. 2

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|                                                                | <p><u>(1) ... the IEP Team--</u><br/> <u>(i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved;</u><br/> and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>each child's IEP periodically, but no less than annually, to determine whether the annual goals for the child are being achieved; and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>Changes to IEP without ARC/IEP meeting being held</p>       | <p>Part <u>300 / D / 300.324</u> Development, review, and revision of IEP.<br/> <u>(a) Development of IEP.</u><br/> <u>(4) Agreement.</u> (i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.<br/> (ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.</p> | <p>707 KAR 1:320. Individual education program.<br/> Section 2. ARC Meetings.<br/> (2) An ARC shall not have to be convened in order to make minor, non-programmatic, changes to an IEP, such as typographical errors, incorrect directory information about the student (such as, birth date, age, grade, address, or school), and other information required on the IEP that was agreed upon by the ARC but incorrectly recorded. If the LEA makes any minor, non-programmatic changes, all members of the ARC shall be given a copy of the changes and an explanation as to why the changes were made within ten (10) school days of the changes being made. If any member of the ARC objects to the changes, an ARC meeting shall be convened within a reasonable period of time to discuss the changes.</p> |
| <p>How will parents know when there is an ARC/IEP meeting?</p> | <p>Part <u>300 / D / 300.322</u> Parent participation.<br/> <u>(a) Public agency responsibility-general.</u> Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including--</p>                                                                                                                                                                                                                                                                                                                                                          | <p>707 KAR 1:320. Individual education program.<br/> Section 4. Parent Participation. (1) An LEA shall ensure that one (1) or both of the parents of a child with a disability are present at each ARC meeting or are afforded the opportunity to participate. Except for meetings concerning a disciplinary change in placement or a safety issue, an LEA shall provide written notice to the parents of a child with a disability at least seven (7) days before an ARC</p>                                                                                                                                                                                                                                                                                                                                    |

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|                                                      | <p>(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and</p> <p>(2) Scheduling the meeting at a mutually agreed on time and place.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>meeting. The meeting shall be scheduled at a mutually-agreed-on time and place.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Can ARC/IEP meeting be held without parents present? | <p>Part 300 / D / 300.322 Parent participation.</p> <p>(d) Conducting an IEP Team meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as--</p> <p>(1) Detailed records of telephone calls made or attempted and the results of those calls;</p> <p>(2) Copies of correspondence sent to the parents and any responses received; and</p> <p>(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.</p> | <p>707 KAR 1:320. Individual education program.</p> <p>Section 4. Parent Participation.</p> <p>(6) An ARC meeting may be conducted without a parent in attendance if the LEA is unable to convince the parent that he should attend. The LEA shall have a record of its attempts to arrange a mutually-agreed-on time and place, which may include: (a) Detailed records of telephone calls made or attempted and the results of those calls; (b) Copies of correspondence sent to the parents and any responses received; and (c) Detailed records of visits to the parent's home or place of employment and the results of those visits.</p> |
| Where in IEP should transportation be documented?    | <p>Regulations: Part 300 / A / 300.34</p> <p>(c) Individual related services terms defined. The terms used in this definition are defined as follows:</p> <p>(16) Transportation includes--</p> <p>(i) Travel to and from school and between schools;</p> <p>(ii) Travel in and around school buildings; and</p>                                                                                                                                                                                                                                                                                                                                                                                                      | <p>707 KAR 1:002. Definitions.</p> <p>Section 1. Definitions.</p> <p>(51)(a) "Related services" means transportation and such developmental, corrective, or supportive services as are required to assist a child with a disability to benefit from special education.</p>                                                                                                                                                                                                                                                                                                                                                                     |

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|                                                                                               | (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Rights of parents to review records                                                           | Part <u>300 / E / 300.501</u> Opportunity to examine records; parent participation in meetings.<br>(a) Opportunity to examine records. The parents of a child with a disability must be afforded, in accordance with the procedures of Sec. Sec. 300.613 through 300.621, an opportunity to inspect and review all education records with respect to--<br>(1) The identification, evaluation, and educational placement of the child; and<br>(2) The provision of FAPE to the child.                                                                                                                                                                                                             | 707 KAR 1:360. Confidentiality of information.<br>Section 1. Access Rights. (1) An LEA shall permit a parent to inspect and review any education records relating to his child that are collected, maintained, or used by the LEA. The LEA shall comply with a request without unnecessary delay and before any meeting regarding an IEP, dispute resolution meeting, or due process hearing, and in no case more than <u>forty-five (45) days after the request has been made.</u>                                                                                                   |
| Students with IEP transferring to another school district within Kentucky in same school year | Part <u>300 / D / 300.323 / (e)</u> IEPs for children who transfer public agencies in the same State. If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, <u>the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either--</u><br>(1) Adopts the child's IEP from the previous public agency; or<br>(2) Develops, adopts, and implements a new IEP | 707 KAR 1:320. Individual education program.<br>Section 6. Program for Students who Transfer.<br>(1) If a child with a disability transfers between <u>LEAs within the same academic year within Kentucky, and had an IEP in effect in Kentucky, the child shall be provided a free, appropriate public education by the receiving LEA including services comparable to those described in the previous IEP.</u> These services shall be provided in consultation with the parents and until the receiving LEA adopts the previous IEP or develops, adopts, and implements a new IEP. |

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|                                                                                   | that meets the applicable requirements in Sec. Sec. 300.320 through 300.324.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Students with IEP transferring from another state to Kentucky in same school year | <p>Part 300 / D / 300.323 /</p> <p>(f) IEPs for children who <u>transfer from another State</u>. If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency--</p> <p>(1) Conducts an evaluation pursuant to Sec. Sec. 300.304 through 300.306 (if determined to be necessary by the new public agency); and</p> <p>(2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in Sec. Sec. 300.320 through 300.324.</p> | <p>707 KAR 1:320. Individual education program.</p> <p>Section 6. Program for Students who Transfer.</p> <p>(2) If a child with a disability transfers from an LEA outside Kentucky to an LEA within Kentucky <u>within the same academic year, and had an IEP in effect in the other state, the child shall be provided a free, appropriate public education by the receiving LEA including services comparable to those described in the previous IEP. These services shall be provided in consultation with the parents and until the receiving LEA conducts an evaluation, if determined necessary, and develops, adopts, and implements a new IEP if the child is a child with a disability as defined in 707 KAR 1:002, Section 1(9).</u></p> |
| Parents receive a copy of IEP                                                     | <p>Part 300 / D / 300.322 Parent participation.</p> <p>(f) Parent copy of child's IEP. The public agency must give the parent a <u>copy of the child's IEP at no cost to the parent.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>707 KAR 1:320. Individual education program.</p> <p>Section 4. Parent Participation.</p> <p>(8) An LEA shall give the parent a <u>copy of the child's IEP at no cost to the parent.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| When should transition begin for youth with disabilities?                         | <p>Part 300 / D / 300.322 Parent participation.</p> <p>(b) Information provided to parents.</p> <p>(2) For a child with a disability <u>beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team,</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>707 KAR 1:320. Individual education program.</p> <p>Section 4. Parent Participation.</p> <p>(3) If the child is in the <u>eight grade year, or has reached the age of fourteen (14) years, the invitation shall state that a purpose of the meeting</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|                                                                                    | <p>the notice also must--</p> <p>(i) Indicate--</p> <p>(A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with Sec. 300.320(b); and</p>                                                                                                                                                                      | <p>will be the development of a statement for the need for transition services for the child and state that the child is invited. This subsection shall apply to a child younger than fourteen (14) years of age if determined to be appropriate by the ARC.</p> <p>(4) For a child with a disability, <u>beginning no later than the IEP that will be in effect when the child turns sixteen (16), the invitation shall state that a purpose of the meeting is the consideration of the postsecondary goals and needed transition services for the child and shall include the identity of any other agency that is invited to send a representative. This subsection shall apply to a child younger than sixteen (16) years of age if determined to be appropriate by the ARC.</u></p> |
| <p>What happens when child reaches age of majority (18 years old in Kentucky)?</p> | <p>Part <u>300 / D / 300.320 /</u></p> <p>(c) Transfer of rights at age of majority. Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under Sec. 300.520.</p> | <p>707 KAR 1:320. Individual education program.</p> <p>Section 5. Contents of IEP.</p> <p>(14) <u>At least one (1) year prior to the child reaching the age of majority, the IEP shall include a statement that the child has been informed of the child's rights under 707 KAR Chapter 1, and that the rights will transfer to the child upon reaching the age of majority.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>Placement of child</p>                                                          | <p>Part <u>300 / B / 300.116</u> Placements.</p> <p>(a) The placement decision--</p> <p>(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and</p> <p>(2) Is made in conformity with the LRE provisions of this subpart, including Sec. Sec. 300.114 through 300.118;</p>      | <p>39 707 KAR 1:350. Placement decisions.</p> <p>Section 1. Placement Decisions.</p> <p>(5) In determining the educational placement of a child with a disability, the LEA shall ensure that the placement decision is made by the ARC in conformity with the least restrictive environment provisions. (6) A child's placement shall be: (a) Determined at least annually; (b) Based on the child's IEP; and (c) As close as possible to the</p>                                                                                                                                                                                                                                                                                                                                        |

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|                                                                                                                       | <p>(b) The child's placement--</p> <p>(1) Is determined at least annually;</p> <p>(2) Is based on the child's IEP; and</p> <p>(3) Is as close as possible to the child's home;</p> <p>(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;</p> <p>Part 300 / D / 300.327 Educational placements. Consistent with Sec. 300.501(c), each public agency must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.</p> | <p>child's home. (7) Unless the IEP of a child with a disability requires some other arrangement, the child shall be educated in the school that he would attend if nondisabled.</p>                                                                                                                                                                                                                                                                                                                            |
| <p>Notice to parents regarding safety issues or a change in placement due to violation of code of student conduct</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>707 KAR 1:340. Procedural safeguards and state complaint procedures.</p> <p>Section 3. Notice to Parents.</p> <p>(2) An LEA shall provide written notice to the parents of a child with a disability at least twenty-four (24) hours before a meeting concerning a safety issue or a change in placement due to a violation of a code of student conduct.</p>                                                                                                                                                |
| <p>Appeals from placement decisions</p>                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>707 KAR 1:340. Procedural safeguards and state complaint procedures.</p> <p>Section 15. Appeals from Placement Decisions. (1) The parent of a child with a disability who disagrees with any decision regarding placement under Section 13 or 14 of this administrative regulation or the manifestation determination, or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others may request a hearing by filing</p> |

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| Manifestation Determination | <p>Part <u>300 / E / 300.530 / e</u> Manifestation determination.</p> <p>(1) <u>Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine--</u></p> <p>(i) <u>If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or</u></p> <p>(ii) <u>If the conduct in question was the direct result of the LEA's failure to implement the IEP.</u></p> <p>(2) <u>The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.</u></p> <p>(3) <u>If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.</u></p> <p>(f) <u>Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a</u></p> | <p>Section 14. <u>Manifestation Determination. (1) Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the relevant members of the child's ARC, as determined by the LEA and the parent, shall convene a meeting to review all relevant information in the student's file, including the child's IEP, any teacher observations, teacher-collected data, and any relevant information provided by the parents to determine: (a) If the conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or (b) If the conduct in question was the direct result of the LEA's failure to implement the IEP .....</u></p> <p>(4) <u>If the ARC determines that the conduct was a manifestation of the child's disability, the ARC shall:</u></p> <p>(a)1. <u>Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred and had implemented a behavioral intervention plan for the child; or 2. Review the behavioral intervention plan, (if one had already been developed) and modify it, as necessary, to address the behavior; and (b) Return the child to the placement from which the child was removed unless the LEA and the parent agree to a change of placement as part of the modification of the behavioral intervention plan or because of the special circumstances explained in subsection (5) of this section.... (5) School personnel may remove a child with a disability to an interim alternative educational</u></p> |

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|                       | <p>manifestation of the child's disability, the IEP Team must--</p> <p>(1) Either--</p> <p>(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or</p> <p>(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and</p> <p>(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.</p> | <p>setting for not more than forty-five (45) school days without regard to whether the behavior is a manifestation of the child's disability, if the child: (a) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the Kentucky Department of Education or the LEA; (b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the Kentucky Department of Education or the LEA; or (c) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Kentucky Department of Education or the LEA. (6) On the date on which a decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of the code of student conduct, the LEA shall notify the parents of the decision and provide the parents with a copy of the procedural safeguards in accordance with Section 4 of this administrative regulation. (7) The ARC of the child shall determine the interim alternative educational setting and the services for any child removed under Sections 13(4), (10) and 14(5) of this administrative regulation.</p> |
| Discipline Procedures | <p>Part 300 / E / 300.530 Authority of school personnel.</p> <p>(b) General.</p> <p>(1) School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Section 13. Discipline Procedures.</p> <p>(5) After a child with a disability has been removed from the child's current placement for ten (10) school days in the same school year, educational services as described in subsection (6)(a) and (b) of this section shall be provided during any subsequent days of removal. (6) A child with a</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|                                                                                                                     | <p>educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under Sec. 300.536).</p> <p>(2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.</p> | <p>disability who is removed from the child's current placement for more than ten (10) consecutive school days shall: (a) Continue to receive a free, appropriate public education so as to enable the child to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and (b) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services, and modifications, that are designed to address the behavior violation so that it does not recur..... (10) If a removal is a change in placement because of disciplinary removals, the child's ARC shall convene within ten (10) school days after the change of placement is made and shall determine the appropriate educational services for the child. If the student has been placed in an interim alternative educational setting, the LEA shall invite staff from that alternative setting to the ARC meeting.</p> |
| <p>Filing a formal complaint with state education Agency (SEA), which is Kentucky Department of Education (KDE)</p> | <p>Part 300 / B / 300.152 Minimum State complaint procedures.</p> <p>(a) Time limit; minimum procedures. Each SEA must include in its complaint procedures a time limit of 60 days after a complaint is filed under Sec. 300.153 to--...</p> <p>(5) Issue a written decision to the complainant that addresses each allegation in the complaint and contains--</p> <p>(i) Findings of fact and conclusions; and</p> <p>(ii) The reasons for the SEA's final decision.</p> <p><b>Part 300 / B / 300.153</b> Filing a complaint.</p> <p>(c) The complaint must allege a violation that</p>                                                                                                                    | <p>707 KAR 1:340. Procedural safeguards and state complaint procedures.</p> <p>Section 7. State Complaint Procedures. (1) The following procedures shall apply to the Kentucky Department of Education as to written complaints submitted pursuant to 34 C.F.R. 300.151 through 300.153: (a) <u>The Kentucky Department of Education shall have of sixty (60) days after a complaint is filed to carry out an independent investigation, if necessary; .....</u></p> <p>(e) The department shall issue a written decision addressing each allegation in the complaint and containing the findings of fact and conclusions and the reasons for the final decision.</p>                                                                                                                                                                                                                                                                                                                                     |

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|           | <p>occurred not more than one year prior to the date that the complaint is received in accordance with Sec. 300.151.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>(3) The complaint shall include: ....(h) Information indicating that the violation did not occur more than one (1) year prior to the date of the receipt of the complaint.....</p> <p>(5) The complainant, parent, or the LEA shall have a right to appeal the written decision from a complaint to the Commissioner of the Kentucky Department of Education. This appeal shall be filed within fifteen (15) business days of the receipt of the decision.....</p> <p>(7) The Kentucky Department of Education shall ensure the final decision from a complaint shall be effectively implemented. To achieve compliance, the Department of Education may apply: (a) Technical assistance activities; (b) Negotiations; or (c) Corrective actions. Right to Mediation and Due Process Hearings.</p>                                                                         |
| Mediation | <p>Part 300 / E / 300.506 Mediation.</p> <p>(a) General. Each public agency must ensure that procedures are established and implemented to allow parties to disputes involving any matter under this part, including matters arising prior to the filing of a due process complaint, to resolve disputes through a mediation process.</p> <p>(b) Requirements. The procedures must meet the following requirements:</p> <p>(1) The procedures must ensure that the mediation process--</p> <p>(i) Is voluntary on the part of the parties;</p> <p>(ii) Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B of the Act; and</p> <p>(iii) Is conducted by a qualified and impartial</p> | <p>707 KAR 1:340. Procedural safeguards and state complaint procedures.</p> <p>Section 9. Mediation Rights. (1) The mediation process, if chosen, shall: (a) Be voluntary; (b) Not be used to deny or delay a parent's right to a due process hearing under Sections 8 and 11 of this administrative regulation or 34 C.F.R. 300.507, or to deny any other rights afforded under this administrative regulation or IDEA Subpart E; and (c) Be conducted by a qualified and impartial mediator trained in effective mediation techniques....(3) The Kentucky Department of Education shall bear the cost of the mediation process. (4) The sessions in the mediation process shall be: (a) Scheduled in a timely manner not to exceed sixty (60) days; and (b) Held at a location that is convenient to both parties to the dispute. (5) In a mediation session in which a</p> |

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|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                             |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>mediator who is trained in effective mediation techniques.....</p> <p><u>(4)</u> The State must bear the cost of the mediation process, including the costs of meetings described in paragraph (b)(2) of this section.</p> <p><u>(5)</u> Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.</p> <p><u>(6)</u> If the parties resolve a dispute through the mediation process, the parties must execute a legally binding agreement that sets forth that resolution and that--</p> <p><u>(i)</u> States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and</p> <p><u>(ii)</u> Is signed by both the parent and a representative of the agency who has the authority to bind such agency.</p> <p><u>(7)</u> A written, signed mediation agreement under this paragraph is enforceable in any State court of competent jurisdiction or in a district court of the United States. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under this part.</p> <p><u>(c)</u> Impartiality of mediator.</p> <p><u>(1)</u> An individual who serves as a mediator under this part--</p> <p><u>(i)</u> May not be an employee of the SEA or the LEA that is involved in the education or care of the child; and</p> <p><u>(ii)</u> Must not have a personal or professional</p> | <p>resolution is reached by the parties, a legally-binding written agreement shall be executed that:</p> <p>(a) Sets forth the resolution and a timeline in which it shall be implemented; (b) States that all discussions that occurred in the mediation process shall be confidential; and (c) May not be used as evidence in any subsequent due process hearing or civil proceeding.</p> |
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|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | <p>interest that conflicts with the person's objectivity.</p> <p><u>(2)</u> A person who otherwise qualifies as a mediator is not an employee of an LEA or State agency described under Sec. 300.228 solely because he or she is paid by the agency to serve as a mediator.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Request Due Process | <p>Part <u>300 / E / 300.507</u> Filing a due process complaint.</p> <p><u>(a)</u> General.</p> <p><u>(1)</u> A parent or a public agency may file a due process complaint on any of the matters described in Sec. 300.503(a)(1) and <u>(2)</u> (relating to the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child).</p> <p><u>(2)</u> The <u>due process complaint must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the due process complaint</u>, or, if the State has an explicit time limitation for filing a due process complaint under this part, in the time allowed by that State law, except that the exceptions to the timeline described in Sec. 300.511(f) apply to the timeline in this section.....</p> <p>Part <u>300 / E / 300.508</u> Due process complaint.</p> <p><u>(b)</u> Content of complaint. The due process complaint required in paragraph (a)(1) of this section must include--</p> <p><u>(1)</u> The name of the child;</p> <p><u>(2)</u> The address of the residence of the child;</p> | <p>707 KAR 1:340. Procedural safeguards and state complaint procedures.</p> <p>Section 10. Dispute Resolution. <u>(1)</u> Within fifteen <u>(15)</u> days of receiving notice of parental request for a due process hearing, the LEA shall convene a meeting with the parent and the relevant member or members of the ARC who have specific knowledge of the facts identified in the due process hearing request. The parent and the LEA shall determine the relevant ARC members to attend the resolution session. A representative of the LEA who has decision-making authority on behalf of the LEA shall also attend this meeting. An attorney for the LEA shall not attend the meeting unless an attorney accompanies the parent. <u>(2)</u> The purpose of this meeting is: (a) To allow the parents to discuss their due process hearing request; (b) To discuss the facts that formed the basis of the request; and (c) To give the LEA an opportunity to resolve the complaint. <u>(3)</u> This meeting shall not take place if the parents and the LEA agree in writing to waive the meeting or agree to use the mediation process. <u>(4)</u> If the parties reach a resolution to the dispute, the parties shall execute a legally-binding agreement that is: (a) Signed by both the parent and a representative of the LEA who has the authority to bind the LEA; and (b) Is enforceable in</p> |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>(3) The name of the school the child is attending;</p> <p>(4) In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending;</p> <p>(5) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and</p> <p>(6) A proposed resolution of the problem to the extent known and available to the party at the time.....</p> <p>(d) Sufficiency of complaint.</p> <p>(1) The due process complaint required by this section must be deemed sufficient unless the party receiving the due process complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process complaint, that the receiving party believes the due process complaint does not meet the requirements in paragraph (b) of this section.</p> <p>(2) Within five days of receipt of notification under paragraph (d)(1) of this section, the hearing officer must make a determination on the face of the due process complaint of whether the due process complaint meets the requirements of paragraph (b) of this section, and must immediately notify the parties in writing of that determination.</p> | <p>any state court of competent jurisdiction or a district court of the United States. (5) The dispute resolution agreement may be voided by either party within three (3) business days of the agreement's execution. (6) If the LEA has not resolved the complaint to the satisfaction of the parents within thirty (30) days of the receipt of the due process hearing request, the due process hearing may occur. (7) The timeline for issuing a final decision pursuant to 34 C.F.R. 300.515 shall begin at the expiration of the thirty (30) day timeline referred to in subsection (6) of this section, except for adjustments allowed in subsections (11) and (12) of this section.....(9) If the LEA is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made and documented, the LEA may request, at the conclusion of the thirty (30) day period, that a hearing officer dismiss the parent's due process hearing request. (10) The LEA shall keep a record of the reasonable efforts made to obtain the participation of the parents in the resolution meeting such as: (a) Detailed records of telephone calls made or attempted and the results of those calls; (b) Copies of correspondence sent to the parents and any responses received; and (c) Detailed records of any visits made to the parent's home or place of employment and the results of those visits. (11) If the LEA fails to hold the resolution meeting within fifteen (15) days of receiving the notice of a parent's due process hearing request or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the forty-five (45) day due process hearing timeline in 34 C.F.R. 300.515. (12) The forty-five (45) day timeline for the due process hearing in 34 C.F.R. 300.515 starts the day after one (1) of the following</p> |
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|                    |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                    |                                                                                                                                                                                                                                                                                                                                                                                                    | <p>events: (a) Both parties agree in writing to waive the resolution meeting; (b) After either the mediation or resolution meeting starts but before the end of the thirty (30) day period, the parties agree in writing that no agreement is possible; or (c) If both parties agree in writing to continue the mediation at the end of the thirty (30) day resolution period, but later the parent or the LEA withdraws from the mediation process.</p> <p>Section 11. Hearing Rights. (1) The parent of a child with a disability or the attorney representing the child, or the LEA that files a request for a hearing shall provide notice to the Kentucky Department of Education, to request a hearing. The notice shall contain: (a) The name of the child; (b) The address of the residence of the child; (c) The name of the school the child is attending; (d) A description of the nature of the problem; and (e) Facts relating to the problem and a proposed resolution to the extent known and available to the parents at the time. (2) The Kentucky Department of Education shall provide a model form entitled "Request for a Due Process Hearing", that meets these requirements to assist parents in filing a request a due process hearing....</p> |
| Appeal Due Process | <p>Part <u>300 / E / 300.514</u> Finality of decision; appeal; impartial review.</p> <p>(b) Appeal of decisions; impartial review.</p> <p>(1) If the hearing required by Sec. 300.511 is conducted by a public agency other than the SEA, any party aggrieved by the findings and decision in the hearing may appeal to the SEA.</p> <p>(2) If there is an appeal, <u>the SEA must conduct</u></p> | <p>707 KAR 1:340. Procedural safeguards and state complaint procedures.</p> <p>Section 12. Appeal of Decision. (1) A party to a due process hearing that is aggrieved by the hearing decision may appeal the decision to members of the Exceptional Children Appeals Board as assigned by the Kentucky Department of Education. The appeal shall be perfected by sending, <u>by certified mail, to</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

5/14/12

KY-SPIN, Inc. 16

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|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p><u>an impartial review of the findings and decision appealed. The official conducting the review must--</u></p> <ul style="list-style-type: none"> <li>(i) <u>Examine the entire hearing record;</u></li> <li>(ii) <u>Ensure that the procedures at the hearing were consistent with the requirements of due process;</u></li> <li>(iii) <u>Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in Sec. 300.512 apply;</u></li> <li>(iv) <u>Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;</u></li> <li>(v) <u>Make an independent decision on completion of the review; and</u></li> <li>(vi) <u>Give a copy of the written, or, at the option of the parents, electronic findings of fact and decisions to the parties.</u></li> </ul> | <p><u>the Kentucky Department of Education, a request for appeal, within thirty (30) calendar days of the date of the hearing officer's decision. (2) A decision made by the Exceptional Children Appeals Board shall be final unless a party appeals the decision to state circuit court or federal district court.</u></p> |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Key:

|             |                                                                                                                                                                                   |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ARC         | Admissions and Release Committee                                                                                                                                                  |
| Day         | Day means calendar day unless otherwise indicated as business day or school day.<br>(IDEA Regulations: Part <u>300 / A / 300.11 / a</u> )                                         |
| IEP         | Individualized Education Program                                                                                                                                                  |
| IEE         | Independent Educational Evaluation                                                                                                                                                |
| IDEA        | Individuals with Disabilities Education Improvement Act 2004                                                                                                                      |
| KAR         | Kentucky Administrative Regulations                                                                                                                                               |
| KDE         | Kentucky Department of Education                                                                                                                                                  |
| LEA         | Local Education Agency (in Kentucky it is County or Independent public school system)                                                                                             |
| IDEA Part B | Is the section of IDEA for children ages 3-21                                                                                                                                     |
| School Day  | School day means any day, including a partial day that children are in attendance at school for instructional purposes. (IDEA Regulations: Part <u>300 / A / 300.11 / c / 1</u> ) |
| SEA         | State Education Agency (Kentucky Department of Education)                                                                                                                         |

**Building the Legacy: IDEA 2004**

**Kentucky Administrative Regulations Special Education Programs**  
**707 KAR 1:270 – 707 KAR 1:380 Revised August 4, 2008**

KY-SPIN, Inc.  
 10301-B Deering Rd.  
 Louisville, KY 40272  
 Toll Free: 1-800-525-7746  
 Phone: (502) 937-6894 Fax: (502) 937-6464  
 E-mail: [spininc@kyspin.com](mailto:spininc@kyspin.com)  
 Website: [www.kyspin.com](http://www.kyspin.com)

# District Regulations

Friday, June 19, 2020

3:32 PM

# Report Cards

Friday, June 19, 2020  
3:48 PM

# SHELTON PUBLIC SCHOOLS SCHOOL DISTRICT GRADE 01 REPORT CARD 2012-2013

Page 1 of 2

Student: [REDACTED]  
 Student ID: [REDACTED]  
 School: [REDACTED]  
 Teacher: [REDACTED]

## Attendance Summary:

| PR1    |       |  | PR2    |       |  | F3     |       |  | Total |
|--------|-------|--|--------|-------|--|--------|-------|--|-------|
| Absent | Tardy |  | Absent | Tardy |  | Absent | Tardy |  |       |
| 0      | 0     |  | 0      | 0     |  | 0      | 0     |  | 0     |

\*\*This Report Card only lists absences. Lack of attendance means there were no absences.

| Academic Performance Level for Gr. 1-4<br>Standard Marks |       |
|----------------------------------------------------------|-------|
| Name                                                     | Score |
| Exceeds Cluster of Standards                             | EX    |
| Meets Cluster of Standards                               | ME    |
| Partially Met Cluster of Stand                           | PM    |
| Cluster of Standards Not Met                             | NM    |
| ME at an Alternate Grade Level                           | *ME   |
| PM at an Alternate Grade Level                           | *PM   |
| NM at alternate Grade Level                              | *NM   |
| Not Introduced                                           | XX    |

| Academic Performance Level for Gr. 1-4<br>Effort Marks |       |
|--------------------------------------------------------|-------|
| Name                                                   | Score |
| Outstanding                                            | O     |
| Consistent, conscientious                              | CC    |
| Needs Improvement                                      | NI    |

| [1-1A] READING FOR LITERATURE                                          |     |        |
|------------------------------------------------------------------------|-----|--------|
| Term                                                                   |     |        |
|                                                                        | PR1 | PR2 F3 |
| [1] EFFORT                                                             |     |        |
| Grade 1 Reading for Literature Effort                                  |     |        |
| [2] CLUSTERS OF STANDARDS                                              |     |        |
| [1-01a-1] Reads literature using key ideas and details                 |     |        |
| [1-01a-2] Reads literature identifying craft and structure             |     |        |
| [1-01a-3] Reads literature integrating knowledge and ideas             |     |        |
| [1-01a-4] Reads and comprehends at various levels of text complexities |     |        |

| [1-1B] READING FOR INFORMATION                                     |     |        |
|--------------------------------------------------------------------|-----|--------|
| Term                                                               |     |        |
|                                                                    | PR1 | PR2 F3 |
| [1] EFFORT                                                         |     |        |
| Grade 1 Reading for Information Effort                             |     |        |
| [2] CLUSTERS OF STANDARDS                                          |     |        |
| [1-01b-5] Reads informational text using key ideas and details     |     |        |
| [1-01b-6] Reads informational text identifying craft and structure |     |        |
| [1-01b-7] Reads informational text integrating knowledge and ideas |     |        |

| [1-1C] READING FOUNDATIONAL SKILLS                                         |     |        |
|----------------------------------------------------------------------------|-----|--------|
| Term                                                                       |     |        |
|                                                                            | PR1 | PR2 F3 |
| [1] EFFORT                                                                 |     |        |
| Grade 1 Reading Foundational Skills Effort                                 |     |        |
| [2] CLUSTERS OF STANDARDS                                                  |     |        |
| [1-01c-8] Demonstrates foundational skills through the concepts of print   |     |        |
| [1-01c-9] Demonstrates skills through the use of phonological awareness    |     |        |
| [1-01c-10] Demonstrates skills by applying phonics and word recognition    |     |        |
| [1-01c-11] Shows skills w/ sufficient accuracy/fluency in grade level text |     |        |

| [1-2A] WRITING                        |     |        |
|---------------------------------------|-----|--------|
| Term                                  |     |        |
|                                       | PR1 | PR2 F3 |
| [1] EFFORT                            |     |        |
| Grade 1 Writing Effort                |     |        |
| [2] CLUSTERS OF STANDARDS             |     |        |
| [1-02a-1] Uses text types for various |     |        |

| [1-2A] WRITING                                                              |     |        |
|-----------------------------------------------------------------------------|-----|--------|
| Term                                                                        |     |        |
|                                                                             | PR1 | PR2 F3 |
|                                                                             |     |        |
| purposes to compose a written piece                                         |     |        |
| [1-02a-2] Produce/share multiple writings using a variety of digital tools  |     |        |
| [1-02a-3] Collects research to build/present knowledge via various writings |     |        |

| [1-2B] LANGUAGE SKILLS                                             |     |        |
|--------------------------------------------------------------------|-----|--------|
| Term                                                               |     |        |
|                                                                    | PR1 | PR2 F3 |
| [1] EFFORT                                                         |     |        |
| Grade 1 Language Skills Effort                                     |     |        |
| [2] CLUSTERS OF STANDARDS                                          |     |        |
| [1-02b-4] Shows understanding of conventions in English grammar    |     |        |
| [1-02b-5] Acquire and use grade appropriate vocabulary and phrases |     |        |

| [1-3] LISTENING/SPEAKING                                                   |     |        |
|----------------------------------------------------------------------------|-----|--------|
| Term                                                                       |     |        |
|                                                                            | PR1 | PR2 F3 |
| [1] EFFORT                                                                 |     |        |
| Grade 1 Listening and Speaking Effort                                      |     |        |
| [2] CLUSTERS OF STANDARDS                                                  |     |        |
| [1-03-1] Uses speak/listen skills to comprehend and collaborate w/ others  |     |        |
| [1-03-2] Uses speaking and listening skills to present knowledge and ideas |     |        |

| [1-4] MATHEMATICS |     |        |
|-------------------|-----|--------|
| Term              |     |        |
|                   | PR1 | PR2 F3 |
| [1] EFFORT        |     |        |

## Grade 01 Report Card 2012-2013 for [REDACTED]

| [1-4] MATHEMATICS                                                                  |  | Term |     |    |
|------------------------------------------------------------------------------------|--|------|-----|----|
|                                                                                    |  | PR1  | PR2 | F3 |
| Grade 1 Mathematics Effort                                                         |  |      |     |    |
| <b>[2] CLUSTERS OF STANDARDS</b>                                                   |  |      |     |    |
| [1-04-01] Represent/solve word problems involving addition and subtraction         |  |      |     |    |
| [1-04-02] Understand/apply properties and strategies of add and subtract within 20 |  |      |     |    |
| [1-04-03] Is able to add and subtract within 20                                    |  |      |     |    |
| [1-04-04] Works with addition and subtraction equations                            |  |      |     |    |
| [1-04-05] Extend the counting sequence through 120                                 |  |      |     |    |
| [1-04-06] Understands place value by being able to represent 10's and 1's          |  |      |     |    |
| [1-04-07] Use place value understanding and properties to add/subtract             |  |      |     |    |
| [1-04-08] Measure lengths indirectly and by iterating length units                 |  |      |     |    |
| [1-04-09] Is able to tell and write time to the hour and half hour                 |  |      |     |    |
| [1-04-10] Is able to represent and interpret data                                  |  |      |     |    |
| [1-04-11] Is able to reason with shapes and their attributes                       |  |      |     |    |
| [1-04-12] Uses mathematical practices effectively                                  |  |      |     |    |

| [1-5] SCIENCE                                      |  | Term |     |    |
|----------------------------------------------------|--|------|-----|----|
|                                                    |  | PR1  | PR2 | F3 |
| <b>[1] EFFORT</b>                                  |  |      |     |    |
| Grade 1 Science Effort                             |  |      |     |    |
| <b>[2] CLUSTERS OF STANDARDS</b>                   |  |      |     |    |
| [1-5-1] Participates in activities and discussions |  |      |     |    |
| [1-5-2] Understands unit concepts                  |  |      |     |    |

| [1-6] SOCIAL STUDIES             |  | Term |     |    |
|----------------------------------|--|------|-----|----|
|                                  |  | PR1  | PR2 | F3 |
| <b>[1] EFFORT</b>                |  |      |     |    |
| Grade 1 Social Studies Effort    |  |      |     |    |
| <b>[2] CLUSTERS OF STANDARDS</b> |  |      |     |    |

| [1-6] SOCIAL STUDIES                               |  | Term |     |    |
|----------------------------------------------------|--|------|-----|----|
|                                                    |  | PR1  | PR2 | F3 |
| [1-6-1] Participates in activities and discussions |  |      |     |    |
| [1-6-2] Understands unit concepts                  |  |      |     |    |

| [1-7] PERSONAL BEHAVIOR                                |  | Term |     |    |
|--------------------------------------------------------|--|------|-----|----|
|                                                        |  | PR1  | PR2 | F3 |
| [1-7-1] Exhibits a positive attitude                   |  |      |     |    |
| [1-7-2] Demonstrates self control                      |  |      |     |    |
| [1-7-3] Shows consideration and respect                |  |      |     |    |
| [1-7-4] Accepts suggestions for improvement            |  |      |     |    |
| [1-7-5] Demonstrates good listening habits             |  |      |     |    |
| [1-7-6] Observes school and classroom rules            |  |      |     |    |
| [1-7-7] Participates cooperatively in group activities |  |      |     |    |

| [1-8] WORK HABITS                         |  | Term |     |    |
|-------------------------------------------|--|------|-----|----|
|                                           |  | PR1  | PR2 | F3 |
| [1-8-1] Follows directions                |  |      |     |    |
| [1-8-2] Organizes time and materials      |  |      |     |    |
| [1-8-3] Completes work in reasonable time |  |      |     |    |
| [1-8-4] Works well independently          |  |      |     |    |
| [1-8-5] Attempts to solve own problems    |  |      |     |    |
| [1-8-6] Produces neat and legible work    |  |      |     |    |

| [1-9] SPECIALS                                                              |  | Term |     |    |
|-----------------------------------------------------------------------------|--|------|-----|----|
|                                                                             |  | PR1  | PR2 | F3 |
| <b>ART</b>                                                                  |  |      |     |    |
| [1-9-01] Student understands/applies media, techniques and processes        |  |      |     |    |
| [1-9-02] Student understands/applies elements/organizational principles     |  |      |     |    |
| [1-9-04] Understand the visual arts in relation to history/cultures         |  |      |     |    |
| [1-9-06] Make connection between the arts, other disciplines and daily life |  |      |     |    |
| <b>MUSIC</b>                                                                |  |      |     |    |

| [1-5] SPECIALS                                                              |  | Term |     |    |
|-----------------------------------------------------------------------------|--|------|-----|----|
|                                                                             |  | PR1  | PR2 | F3 |
| [1-5-07] Student can sing alone and with others                             |  |      |     |    |
| [1-5-08] Student can read and notate music                                  |  |      |     |    |
| <b>PHYSICAL EDUCATION</b>                                                   |  |      |     |    |
| [1-5-10] The student demonstrates competency in motor skills and movement   |  |      |     |    |
| [1-5-11] Applies knowledge of concepts/principles related to human movement |  |      |     |    |
| [1-5-12] Exhibits responsible behavior that respects self and others        |  |      |     |    |

| [10-0] FINAL MARKS GRADE 01               |  | Term |     |    |
|-------------------------------------------|--|------|-----|----|
|                                           |  | PR1  | PR2 | F3 |
| [10-1a] Final Reading for Literature      |  |      |     |    |
| [10-1b] Final Reading for Information     |  |      |     |    |
| [10-1c] Final Reading Foundational Skills |  |      |     |    |
| [10-1d] Final Language Skills             |  |      |     |    |
| [10-2] Final Writing Score                |  |      |     |    |
| [10-4] Final Mathematics Score            |  |      |     |    |
| [10-5] Final Science Score                |  |      |     |    |
| [10-6] Final Social Studies Score         |  |      |     |    |

\*Comments: For additional information regarding Shelton's standards-aligned report card, visit the district website report card page at <http://www.sheltonpublicschools.org/subsite/dist/page/report-cards-2314>

Parent Signature

# Progress Reports

Friday, June 19, 2020

3:55 PM

School District Name:

School District Address:

School District Contact Person/Phone #:

**Progress Report** on IEP Dated: from \_\_\_\_\_ to \_\_\_\_\_

Student Name:

DOB:

ID#:

## INFORMATION FROM CURRENT IEP

Goal #:

Specific Goal Focus:

**Current Performance Level:** *What can the student currently do?*

**Measurable Annual Goal:** *What challenging, yet attainable, goal can we expect the student to meet by the end on this IEP period? How will we know that the student has reached this goal?*

**Benchmarks/Objectives:** *What will the student need to do to complete this goal?*

## PROGRESS REPORT INFORMATION

Progress Report Date:

Progress Report #

of

Progress Reports are required to be sent to parents at least as often as parents are informed of their nondisabled children's progress. Each progress report must describe the student's progress toward meeting each annual goal.

*Use multiple copies of this form as needed.*

Massachusetts ESE/Progress Report/Individualized Education Program

PR

Page

of

(REVISED 11/06)



# Samples of Schoolwork

Friday, June 19, 2020

7:42 PM

August

Friday, June 19, 2020  
7:43 PM



**Question:** How does a plant grow?

**Hypothesis:** I predict the sock will suck up all the water. Then the soil will suck up the water. Then the water will get to the grass seed. And the grass will grow.

# September

Friday, June 19, 2020

7:46 PM

# Standardized Tests

Friday, June 19, 2020

7:48 PM

# School Calendar

Friday, June 19, 2020  
8:01 PM

# JESSAMINE COUNTY SCHOOLS CALENDAR AND INFORMATION FOR STUDENTS AND PARENTS 2019-20

|                                      |          |
|--------------------------------------|----------|
| Superintendent - Central Office..... | 885-4179 |
| Director of Transportation.....      | 885-4891 |
| Early Learning Village.....          | 887-5358 |
| Brookside Elementary.....            | 887-2012 |
| Nicholasville Elementary.....        | 885-5351 |
| Red Oak Elementary.....              | 885-0616 |
| Rosenwald-Dunbar Elementary.....     | 885-6670 |
| Warner Elementary.....               | 885-3085 |

|                                           |          |
|-------------------------------------------|----------|
| Wilmore Elementary.....                   | 858-3134 |
| East Jessamine Middle.....                | 885-5561 |
| West Jessamine Middle.....                | 885-2244 |
| East Jessamine High School.....           | 885-7240 |
| West Jessamine High School.....           | 887-2421 |
| Jessamine Career & Technology Center..... | 881-8324 |
| The Providence School.....                | 887-4600 |
| Adult Education/Family Literacy.....      | 887-9052 |

|                                                          |                                          |
|----------------------------------------------------------|------------------------------------------|
| Flexible Staff Development Days.....                     | Thursday, August 8th, Friday, August 9th |
| Opening Day.....                                         | Monday, August 12th                      |
| Teacher Work Day.....                                    | Tuesday, August 13th                     |
| First Day for Students.....                              | Wednesday, August 14th                   |
| No School Labor Day.....                                 | Monday, September 2nd                    |
| Fall Break.....                                          | October 7th-October 11th                 |
| Term One Ends.....                                       | Friday, October 18th                     |
| No School Election Day / Parent Conference/Data Day..... | Tuesday, November 5th                    |
| Thanksgiving Break.....                                  | November 27th-November 29th              |
| Term Two Ends.....                                       | Friday, December 20th                    |
| Christmas Break.....                                     | December 23rd-January 3rd                |

|                                                                |                                                 |
|----------------------------------------------------------------|-------------------------------------------------|
| No School Martin Luther King, Jr. Day.....                     | Monday, January 20th                            |
| No School Presidents' Day/Flexible Staff Development.....      | Monday, February 17th                           |
| Term Three Ends.....                                           | Friday, March 6th                               |
| Spring Break.....                                              | March 30th - April 3rd                          |
| Testing Window.....                                            | Last 14 Instructional Days of District Calendar |
| No School Primary Election Day/Flexible Staff Development..... | Tuesday, May 19th                               |
| Term Four Ends/Last Day of School/Early Release.....           | Friday, May 22nd                                |
| Memorial Day.....                                              | Monday, May 25th                                |
| Certified Staff Development.....                               | Tuesday, May 26th                               |
| Closing Day.....                                               | Wednesday, May 27th                             |

Dates that school is not in session are shown with circles ○ and/or are shaded.

○ = Students Out of School

■ = Students and Teachers Out of School

▨ = All Schools and Offices Closed

△ = End of Grading Period

↘ = Early Release

Jessamine County Schools will designate up to 10 inclement weather days as nontraditional instruction days which will not be part of the make-up rotation.

## Days Missed/Make-up

- 11 — Feb 17
- 12 — May 26
- 13 — May 27
- 14 — May 28
- 15 — May 29
- 16 — June 1
- 17 — June 2

## 2019 July

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
|    |    | 1  | 2  | 3  | 4  | 5  |
| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 |    |    |

## August

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    | 1  | 2  | 3  |
| 4  | 5  | 6  | 7  | 8  | 9  | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

## September

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 |    |    |    |    |    |

## October

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    | 1  | 2  | 3  | 4  | 5  |
| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 |    |    |

## November

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

## December

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
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| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 |    |    |    |    |

## 2020 January

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    | 1  | 2  | 3  | 4  |
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| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 |    |

## February

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|----|----|----|----|----|----|----|
|    |    |    |    |    |    | 1  |
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| 9  | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |

## March

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 |    |    |    |    |

## April

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    | 1  | 2  | 3  | 4  |
| 5  | 6  | 7  | 8  | 9  | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 |    |    |

## May

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 |    |    |    |    |    |    |

## June

|    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|
|    |    |    |    |    |    |    |
|    | 1  | 2  | 3  | 4  | 5  | 6  |
| 7  | 8  | 9  | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 |    |    |    |    |

# School Handbook

Friday, June 19, 2020  
8:00 PM



# **The Providence School**

210 South Lexington Ave.  
Wilmore, KY 40390  
(859) 887-4600

***“Providence: Discovering Pride and Purpose through  
Achievement”***

Student & Parent Handbook  
2019-2020

**Revised July 2019**



Dear Students and Parents,

Welcome to The Providence School (TPS)! Our goal and challenge is to create a school that is truly different from traditional middle and high schools, one which better meets the needs and requirements of students who need an alternative school environment. Furthermore, we strive to continue the heritage that began in a one-room schoolhouse, the original Providence School. In that small setting, the young people of northern Jessamine County received their education.

Because we are a non-traditional public school, we utilize best practices for non-traditional students. Our goal is to provide students with more than a diploma; we want students to leave our school with an education equipping them to be successful in careers as well as in their personal lives.

Please read this handbook carefully as it contains the final decisions of many lengthy discussions held by the staff. This handbook does not replace the Code of Conduct. Rather, this handbook will help you become familiar with the specific guidelines established for the TPS community.

The staff has worked hard to be ready for the opening of school this year. A great school needs more than hard-working staff members; it also needs committed students and supportive parents. We invite you to be an active participant in our school.

Eric Sowers, Principal

## Staff

| <b>Middle School</b>                | <b>High School</b>                                   | <b>Administrative/Support</b>              |
|-------------------------------------|------------------------------------------------------|--------------------------------------------|
| Jon Wes Adams, Interventionist-Math | Sean Goggin, High School Teacher                     | Bobby Turner, Custodian                    |
| Gardner Adams, Teacher              | Glenn Weinberger, Paraeducator                       | Tina Muse, Student Development Coordinator |
| Kiki Spann, Teacher                 | Carissa Arwood, High School Teacher                  | Clint Newton, SRO                          |
| Michelle Lowe, Teacher              | Tonya Clift, Credit Recovery & STLP Coordinator      | Eric Sowers, Principal                     |
| Jesse Law, Interventionist-Reading  | Donna Doolin, Teaching Partner                       | Mandie Bunner, OneWay Coordinator          |
| Julie Wilson, Middle School Teacher | Nate Andrews, Home-based Teacher & ISTEP Coordinator | Grace Byrnes, Administrative Assistant     |
| Debbie Cross, Teaching Partner      | Patrick Fuchs, High School Teacher                   | Mindy Harris, School Nurse                 |
| Jasmine Varner, Resource Teacher    | Ashley Gates, High School Teacher                    | Micki Gill, Head Custodian                 |
| Vickie Gordon, Teaching Partner     | Jesse Law, Interventionist-Reading                   | Tammy Crowe, Cafeteria Manager             |
|                                     | Vicki Shearer, Teaching Partner                      | Angie Hatton, Focus Room Coordinator       |
|                                     | Scott Osborn, High School Teacher                    | Mindy Hershey, DSW/Counselor               |
|                                     | Kevin Wheeler, 180 Teacher                           | Neil Heffelbower, DSW/Counselor            |
|                                     | Liz Spurlock, High School Teacher                    | Justin Yeary, Assistant Principal/CRA      |
|                                     | Jeannette Teater, High School Teacher                | Tammy Baker, Bookkeeper                    |
|                                     | Robbie Irgang, High School Teacher                   | Silvester Turner, Assistant Principal      |
|                                     | Heather McDonald, High School Teacher                | Regina Rion, Attendance Clerk              |
|                                     | Harding Ison-Bowman, High School Teacher             | Lesley Gilpin, DSW/180 Counselor           |
|                                     | Jon Wes Adams, Interventionist-Math                  | Allison Hardion, School Psychologist       |
|                                     | Jasmine Varner, Resource Teacher                     |                                            |
|                                     | Jackie Kidwell, Teaching Partner                     |                                            |
|                                     | Tina Berryman, Teaching Partner                      |                                            |

## District Mission

Jessamine County Schools exists to motivate and challenge every child every day to be caring, responsible citizen and a high-level thinker, performer, communicator, and learner for life!

## School Mission

Providence: Discovering Pride and Purpose through Achievement

## Our Goals

At The Providence School we believe in promoting achievement and student success in 3 categories of success. We refer to these 3 categories as pyramids because the pyramid RtI structure allows for a data driven, individualized and focused approach to student achievement and success.

## 3 Pyramids of RTI Success

### Academic

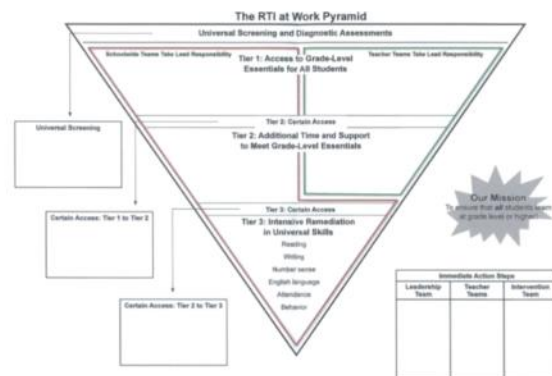
- TPS students will graduate with the reading, writing and math skills to be a successful and functional adult.

### Self Regulation/Behavior

- TPS students will graduate with the skills to model appropriate adult behavior.

### Socio-Emotional Health

- TPS students will graduate with the skills to pursue lifelong socio-emotional health.



## **Bell Schedule**

High School

| <u>Class</u> | <u>Start Time</u> | <u>End Time</u> | <u>Minutes</u>                     |
|--------------|-------------------|-----------------|------------------------------------|
| 1st Period   | 8:25              | 9:30            | 65 minutes                         |
| 2nd Period   | 9:33              | 10:38           | 65 minutes                         |
| 3rd Period   | 10:41             | 12:01           | 65 minutes, 15 break               |
| 4th Period   | 12:04             | 1:34            | 65 minutes, 25 lunch               |
| Lunch        | 12:35             | 1:00            | 12:04-12:29 for Equine & Discovery |
| 5th Period   | 1:37              | 2:42            | 65 minutes                         |
| 6th Period   | 2:45              | 3:50            | 65 minutes                         |

HS Flex Bell Schedule

| <u>Class</u> | <u>Start Time</u> | <u>End Time</u> | <u>Minutes</u>                     |
|--------------|-------------------|-----------------|------------------------------------|
| 1st Period   | 8:25              | 9:19            | 54 minutes                         |
| Int/Ext      | 9:22              | 9:52            | 30 minutes                         |
| 2nd Period   | 9:55              | 11:04           | 54 minutes, 15 break               |
| 3rd Period   | 11:07             | 12:01           | 54 minutes                         |
| 4th Period   | 12:04             | 1:34            | 65 minutes, 25 lunch               |
| Lunch        | 12:35             | 1:00            | 12:04-12:29 for Equine & Discovery |
| 5th Period   | 1:37              | 2:42            | 65 minutes                         |
| 6th Period   | 2:45              | 3:50            | 65 minutes                         |

Middle School

| <u>Class</u> | <u>Start Time</u> | <u>End Time</u> | <u>Minutes</u> |
|--------------|-------------------|-----------------|----------------|
| 1st POD      | 8:30              | 10:20           | 110 Minutes    |
| 2nd POD      | 10:20             | 12:10           | 110 Minutes    |
| Lunch        | 12:10             | 12:35           | 25 Minutes     |
| 4th Period   | 12:35             | 1:35            | 60 minutes     |
| 5th Period   | 1:35              | 2:35            | 60 minutes     |
| 6th Period   | 2:35              | 3:50            | 75 minutes     |

\*Students that are enrolled in classes at East High, West High, East Middle, West Middle, JCTC, or vocational schools are expected to be in those classes on Fridays regardless of Providence's alternative calendar. It will be counted as an unexcused absence if the student is not present.

## **Supporting and Visiting TPS**

### **Volunteering at TPS**

The district requires that all volunteers complete a Volunteers in Public Schools form and provide a copy of your driver's license. If you wish to volunteer at TPS please contact the school office.

### **Proud Providence Parent (P<sup>3</sup>) Meetings**

P<sup>3</sup> is our parent organization. All parents and guardians are strongly encouraged to participate. Our quarterly meetings usually occur in the evening. For more information or to sign up for the P3 meetings, please contact the school office

### **Visiting**

Instructional time for our students is most important at our school. Due to our schedule and need to maximize instruction for all students, classroom visits must be scheduled and approved in advance by administration. Please do not bring food from outside restaurants for students to eat.

### **Parent/Teacher Conferences**

If you would like to set up a parent/teacher conference, you may contact your student's guidance counselor: Neil Heffelbower (A-K) or Mindy Hershey (L-Z), and they will be happy to help organize the meeting.

### **Guests and Visitors**

All guests and visitors to TPS must register in the front lobby with our receptionist. Due to our visitor check-in software, parents/guests must present a picture ID during the check-in process. We welcome parents! However, we do ask that you register; the receptionist can then assist you in finding your son/daughter or the staff with whom you want to speak. If you need to speak with staff, please call and schedule an appointment.

### **Student Fees**

Per district policy, all TPS students will be charged a school fee of \$20 per year. Students receiving reduced lunch will pay \$10; and students receiving free lunch will be exempt from the fee. Students that enroll in TPS second semester, will be charged a \$10 student fee.

This fee does not cover the cost TPS spends on instructional materials; however, it will help to offset the costs incurred in some courses (for example- field trips and pottery for art).

## **Enrollment and Registration**

### **Student Registration and Infinite Campus**

Infinite Campus Student and Parent Portals and Jessamine County Schools Online Registration Process

All families enrolled in Jessamine County Schools must have an active Infinite Campus Parent Portal account and complete the JCS Online Registration process prior to the beginning of the school year

Infinite Campus, Kentucky's Department of Education's electronic records system, offers parents and students the opportunity to access their grades, attendance, and school/teacher announcements through a Student/Parent Portal.

The JCS Online Registration system allows families to electronically record and update all necessary school enrollment forms.

To access the Infinite Campus portal:

#### **Student Access:**

Each student has a login and password to access the portal. Both parents and students may access the student's account with this login information.

#### **To login to student/parent portal:**

Student Login/Username: A student's school computer username/login name

Password: A student's school computer password Parent Access:

#### **To request a parent portal account:**

- Go to the Jessamine County Schools website at <http://www.jessamine.k12.ky.us/>
- Click on the "For Families" drop-down
- Click on the "IC Parent Portal Sign-up"
- Complete the form and submit If you have any questions regarding this process, please contact: [tammy.baker@jessamine.kyschools.us](mailto:tammy.baker@jessamine.kyschools.us)

### **Medical Requirements**

To enroll in 6th grade in a Kentucky School, you must have the following by the beginning of the school year:

- Up-to-date immunization certificate
- Official Kentucky School Physical

If you have not yet scheduled an appointment for your child to meet the medical requirements, do so as soon as possible. Please note that noncompliance with state medical requirements may result in your child not being able to attend school until they are received. All students

enrolling from outside Kentucky or the United States must have the same documentation as students entering the 6th grade (see above).

All students are required to have the Hepatitis A vaccination prior to enrollment in Jessamine County Schools.

The Jessamine County Health Department (JCHD) will transfer an immunization certificate to a Kentucky Immunization Certificate. For more information, you may contact JCHD at 885-4149.

## **Attendance**

When students come to school regularly, they learn. When students miss school frequently (excused or unexcused), they fall behind. **It is that simple: if the student is not here, he/she isn't learning.** Even when students have excused absences, they fall behind. Please support your son's or daughter's education by insisting they come to school every day unless they are too sick to attend.

Our attendance clerk will keep track of parent and doctor's notes and notify you when you have used all parent notes(6) for the entire school year. Parents may write a note of excuse as a hard copy or via email. If an email is sent for an excuse, it must be accompanied by a follow up phone call by the parent before it is accepted.

**Notes must be turned in within 5 days of absence in order to be counted.** If your son/daughter is going to miss school, please call the school early in the morning. If we don't hear from you by 9:30 A.M., we will try to contact you to find out why your child is not in school.

The staff at TPS will implement various strategies to encourage promptness. The following strategies apply to tardies:

- Persistent problems with tardies or absences may result in referral to a school counselor or principal; if the problem doesn't get better, the student will be reported to the Director of Pupil Personnel and/or court.
- Any student who is court-ordered to attend school on time will have their absences/tardies reported to court.

Please try to schedule all doctor and dental appointments for after school hours, off student Fridays or Friday afternoons. Sixty-one (61) minutes or more per day is considered a percentage of an absence, not a tardy.

Providence participates in the Jessamine County Truancy Diversion Program (TDP). This is a partnership between Jessamine County Schools and Jessamine County Family Court. All TPS students with 3 or more unexcused absences are reviewed by the TDP team twice monthly. The team also looks at student discipline. The team consists of the court designated worker (CDW); Jessamine County DPP, and Eric Sowers, TPS principal. If the student has had unexcused absences and/or tardies or multiple discipline referrals since the last review, the group may meet with the student or refer them to family court for review.

When a student exceeds 12 absences with medical statements (doctor's notes), the parent/guardian is asked to sign a Release of Medical Information permission form for the treating physician. This form will allow the Health Attendance committee to review health information to determine the need for documentation regarding a chronic health condition, addressing the student's academic status, and to determine the possible need for home/hospital services. The case will then be reviewed by the committee.

Only the people on a student's emergency card are allowed to pick up a student unless prior arrangements have been made through the office. We ask for identification of any person who comes to pick up a student prior to dismissal. This practice is not designed to inconvenience parents, but to protect students.

## **Student Services**

### School Nurse/Medication at School

Students must have a note from a teacher to see the school nurse. Students may see the nurse if they are bleeding/vomiting, have an asthma attack, need a lice check, have a fever, receive trauma to the head, need to take prescription medications, or need a foreign object (splinter, lead, etc.) removed.

No student is allowed to carry medicine with him/her at school, with the exception of inhalers for the treatment of asthma. Any student who needs to take medication at school must take the medicine in the original container, to the nurse's office and have a medication authorization form on file with the nurse. The medication authorization form must be completed by the parent and returned to the nurse who will fax the form to the doctor for his/her signature. The authorization form must be completed for ALL medication including prescription drugs and over-the-counter drugs such as Tylenol, Advil, inhalers, and cold medicine.

- Students may carry cough drops and throat lozenges which require no medical authorization form.
- Inhalers may be carried by students, but a medication authorization form must be on file.

School personnel are not allowed to dispense any medication, including Tylenol or over-the-counter medications, without a signed medication form. **This form must be completed by a parent and signed by a doctor.** If your son/daughter has frequent headaches, please have a form signed at the beginning of the year and send in a new, unopened (sealed) bottle of the preferred medicine with your son's or daughter's name on it. We try to keep students in school if at all possible. If we have a medication form and medication, we will dispense it, let your child rest for a few minutes, then attempt a return to class. We will call you to pick up your son/daughter only when they are clearly too sick to remain in school.

Per Kentucky state law, high school students are permitted to carry over-the-counter (OTC) medication and self-medicate according to the instructions written on the original bottle. However, TPS students may not take OTC medication anywhere on campus except in one of



the administrative or secretarial offices in the presence of a staff member. In addition, students may not provide OTC medication to another student while under the supervision of TPS staff.

If a student becomes ill and is too sick to remain at school, someone on the student's emergency card will be contacted to pick up the student. Once the emergency contact is made, the office will let the teacher know when someone is on the way. The student will be notified as soon as she/he is ready to be signed out.

### ESS

ESS will be held twice a month during the 2019-2020 school year; transportation will be provided for our students. During this time, students will receive content review and/or instruction they have missed while absent, as well as complete classroom assignments missed (or alternative assignments). Even though students may receive help with homework missed, ESS is *not* a Homework Helper program. Other services may be provided; information will be given out throughout the school year. For more information about ESS contact Jeannette Teater, the ESS teacher

### Extra-Curricular Activities

Most students may return to their sending school for after-school activities such as sports, clubs, debate team, etc. However, in the case of students who are administratively placed at TPS, permission will be withheld for a minimum of one semester or longer if the student is not academically eligible or if their behavior is a major concern. We encourage students to become involved with an after-school activity and will help in any way possible.

We currently offer basketball, archery, and cooking club as extra-curricular activities. Dates and times for these activities are based on facility and staff availability and will be communicated to students throughout the semester.

Any event (extra-curricular, incentive, end of year, etc.) that occurs during the school day can only be attended by students currently enrolled in the day program.

### Drug Testing Program for Athletes and Student Drivers

Each student who **participates in athletics** (i.e. archery) at the middle or high school level and each student who **drives to school** will be subject to random drug testing as a prerequisite for 1) participation in an athletic program and/or 2) receiving a parking permit. Positive test results will not be turned over to law enforcement authorities or used to suspend or expel students from school. Refer to the Random Drug Testing and Alcohol Breathalyzer Procedures Handbook, available from the coach or principal, for further information.

### Special Education Services

Students with an IEP are scheduled according to their current plan. If you have questions or concerns and would like to schedule an ARC meeting, please contact our front office.

### Change of Address

Anytime a student moves during the school year, and at the beginning of the school year, parents must present proof of residency. This may be a utility bill, lease agreement, etc. It cannot be in the form of junk mail or a credit card application.

### School Network

All students must have a code of conduct agreement form signed by a parent on file at Providence. The acceptable use policy (AUP) has been incorporated into this document; this includes email, Internet access, and storage space on the server. The network is provided to students and staff for educational purposes. This means that email use and Internet activity must be related to course work. Students are not allowed to store games, video, personal graphics, or other large items on the server that is not school related. Do not give your password to other students or stay logged on a computer when you are finished. You are responsible for any violation of the AUP by other persons using your user name and password.

### "No Pass/No Drive"

The 2007 legislative session passed the "No Pass/No Drive" bill (HB32) which became effective June 26, 2007. This bill is intended to support dropout prevention and to provide an incentive for students to stay in school and pass their courses.

The "No Pass/No Drive" statute results in the denial or revocation of a student's driver's license for academic deficiency, or dropping out of school as a result of excessive or unexcused absences. Academic deficiency is defined as a student who does not have passing grades in at least four (4) courses, or the equivalent of four courses, in the preceding semester. A student is deemed to have dropped out of school when he/she has nine (9) or more unexcused absences in the preceding semester. Any absences due to suspension shall be considered unexcused absences.

## **Cafeteria Services**

The Jessamine County Schools Child Nutrition Program provides nutritionally balanced, low-cost or free meals to our students each school day. School lunch menus must adhere to the United States Department of Agriculture dietary guidelines. These guidelines require school lunches to average no more than 30 percent calories from fat and no more than 10 percent calories from saturated fat in a one-week period and provide one-third of the recommended dietary allowance for children. School breakfasts provide one-fourth of the Recommended Dietary Allowance for children. In addition, school lunches include a variety of fresh fruits and vegetables, low-fat milk and whole grain products

### Breakfast

Breakfast is served between 8:00-8:20 as students arrive to school. All students receive free breakfast courtesy of the CTE Program.

### Lunch

Students are served lunch at their assigned time. High school and middle school times are listed below but students in other programs may have alternative lunch schedules. All students receive a free lunch courtesy of the CTE Program.

Middle School - 12:10-12:35

High School - 12:35-1:00

Friday Lunch Schedule - To be determined

District policy states that students are not permitted to leave campus for lunch. Students may either bring a lunch from home or purchase one through the cafeteria. No glass containers or food other than a packed lunch will be permitted.

Food service laws prevent the school from selling snacks and soft drinks until 30 minutes after the last lunch period.

## **Transportation\***

### **Morning Drop Off**

Providence doors open at 8:00am. Students should not arrive before the doors open.

Parents who transport a child to school, please drop your child off in the lower front parking lot. A staff member will be out front to direct traffic during peak morning arrival times. Please make every effort to have students at school on time.

All TPS students are provided bus transportation unless behavior warrants removal from the school provided transportation.

### **Afternoon Pick Up**

Parents who transport a child to school, please pick your child up in the lower front parking lot. Any vehicle parked in the visitor parking lot will be held until the buses have cleared school property.

All TPS students are provided bus transportation unless behavior warrants removal from the school provided transportation.

\* Transportation procedures will be amended when the transition to the new school building occurs.

### **Driving Privileges**

Any student at TPS may be granted a driving permit. There is no parking permit fee.

In order to obtain a parking permit, an application must be completed with a parent/guardian's signature, as well as a copy of student's driver's license, registration, and proof of insurance card.

Drivers are expected to arrive on time every morning, drive slowly on campus and in the vicinity of school (10 mph), and enter the building as soon as they arrive on campus. Speeding, texting while driving, or any other form of reckless driving, may result in a loss of driving privileges on school grounds. High school students and siblings of drivers are the only students who may ride with another student without parent permission. **According to the Code of Conduct, transporting another student off school grounds during the school day without permission will result in a loss of driving privileges for the remainder of the school year.**

Drivers may not return to their cars during the school day without specific permission from an administrator. Any vehicle parked on school grounds must be free of any objectionable bumper stickers or adornment. Failure to comply with these expectations could result in a temporary loss of driving privileges. Persistent problems could lead to a loss of privileges for the remainder of the school year.

## **Discovery and Subsequent Programs**

### **Discovery**

The Providence School is a school which fully supports the Discovery Program. Discovery teaches students and staff about treating one another with dignity and respect. There are six major units in the Discovery course; they are: 1) effective group skills and team building; 2) anger management; 3) transactional analysis; 4) assertiveness training; 5) problem solving; and 6) conflict resolution. In addition, students are required to complete a writing piece and a role play situation, participate in therapeutic games, participate in a service learning project, pass the final exam, as well as step into the circle. ***Students at TPS must pass Discovery before beginning academic work.***

The only exception is for seniors with 21.5 or more credits who do not need any electives; however, these students will be expected to complete the first unit of a self-guided Discovery course in order to be familiar with Discovery language and practices. If an incoming senior needs electives, we may require that student to take Discovery because the business world tells us high school graduates need the skills taught in Discovery.

New Discovery students will have a limit of two attempts to pass the course; after two failed attempts a committee of staff members will meet to discuss each individual student's academic placement.

High School students who pass Discovery have the potential to earn 1 ½ credits; students will receive one-half credit at the end of the course upon successful completion, and the second half-credit upon "living Discovery" throughout the school year. Students will also have the opportunity to receive an additional elective half-credit during Discovery. **Passing Discovery is not the end of using it; we expect all staff and students to continue "living Discovery" at all times.** Circle-ups, process points, the focus room, and the principles taught in Discovery will be used throughout the school. We host a Discovery Graduation to honor those who pass this difficult course. This is a special celebration we hope all families will attend.

Students who cause persistent, major disruption to the culture at TPS, and resist using Discovery skills to get along with others, will be recommended for the Delta class, 180, alternative placement, administrative hearing, or sent before the Board of Education for expulsion.

#### Focus Room

A middle school student is assigned to a focus room when they have received a total of four redirects in one class, when they have had a total of eight or more redirects in one day, or when they refuse to respond appropriately to a redirect.

A high school student is assigned to a focus room when they have received a total of four redirects in one day or when they refuse to respond appropriately to a redirect. We do not consider a focus room a disciplinary action; in fact, they are designed to keep a student from escalating to the point of needing major interventions.

Students who cause persistent, major disruption to the culture at TPS, and resist using Discovery skills to get along with others, will be recommended for the Delta class, 180 Program, alternative placement, administrative hearing, or sent before the Board of Education for expulsion. Focus room visits are not automatically reported to outside agencies such as the court or the Department of Juvenile Justice (DJJ). When a student complies with focus room procedures, we view it as a serious attempt to work on behavior issues. However, if an officer of the court or a worker asks about recent behavior, the number of focus room visits may be shared.

#### Delta

During the time between the Discovery classes we offer the Delta program for students who are not living Discovery and have failing process points. During their stay in Delta, students will spend a great deal of time working on their Discovery skills. They will continue to do academics, although they will be doing them in individual packets and/or computer-based courses.

## **Student Behavior**

Students who exhibit misconduct are subject to a variety of discipline consequences based on the severity of the offense. It is important to note that discipline policies are in effect during the time students are on campus for instructional or extracurricular events and at any activity that is related to our school that takes place off campus (athletics, music, field trips, bus, etc.).

The initial step in teaching self regulation is our Discovery program. Please see the section of this handbook on Discovery for more information.

#### Referrals

When students violate rules, they receive consequences. If a student commits a violation, the teacher will complete a behavior incident referral as soon as possible and send it to an

administrator. If the behavior prevents the student from remaining in class, s/he will be asked to sit in a designated location until an administrator can see him/her. Students waiting to see an administrator will not be allowed to sit in the lobby, if at all possible. The administrator will follow due process (the student is given a chance to explain his/her side of the incident, witnesses may be interviewed, and the student is given a written explanation of the discipline charges). Any disciplinary action requiring a student to stay after school, or to leave school, will require a parent to be contacted. Parents will be given at least one day's notice before an after-school detention. **Out-of-school suspensions are avoided if at all possible.** We believe suspended students rarely benefit from the experience. Serious infractions such as extreme disrespect, fighting, drugs, or weapon violations will result in suspensions per the Jessamine County Code of Conduct. Upon a tenth (10<sup>th</sup>) discipline referral, students may be subject to an administrative hearing, which is an intervention meeting held with the student, parent/guardian, school and district staff to determine options and interventions.

We believe in "Redemptive Discipline" at Providence. We maintain discipline practices designed to resolve conflict, restore justice, and maintain effective student-student, student-staff, and staff-staff relationships. It is not productive for conflicts or acts of disrespect to sever working relationships. The Discovery culture demands we use all six areas to resolve conflict, maintain relationships, and personally strengthen and prepare each student to be contributing members of society and positive culture changers. With this belief, administrators use mediations, apologies, acts of service, and acts of kindness to mend broken relationships and right injustices. At administrator discretion, alternative and restorative forms of discipline may be used when deemed necessary for violations of Jessamine County Code of Conduct.

#### Bus Behavior

The Jessamine County School District provides bus transportation for all students. However, bus transportation is not a right; it is a privilege for those who conduct themselves in a safe manner. All Code of Conduct rules, as well as Discovery principles, apply on the bus. Students are expected to be respectful and behave appropriately in order for the driver to focus on driving and not on supervision. Students may lose the privilege of bus transportation based on the severity of the offense or an accumulation of offenses.

#### Dress Code

Students at TPS will follow the dress code outlined in the district's Code of Conduct. The only exception is that students are allowed to wear hats as long as the following conditions are met:

- ☐ Students will remove hats anytime they go into a public place where wearing a hat is considered inappropriate by staff.
- ☐ Students have no major or frequent problems over hats.
- ☐ Designs, writing or images placed on hats meet the same standard of appropriateness as clothing items.

We consider our school to be a professional environment for students, and expect them to be dressed as they would in most public jobs. This list does NOT include all possible dress code violations, just the ones most frequently violated. The responsibility for dressing in a manner consistent with policy belongs to the student and his or her parent/guardian.

**Students may not wear:**

- ☐ Clothing advertising tobacco/alcohol companies or drug use in general
- ☐ Clothing offensive to any group of people (i.e. ethnic, LGBTQ)
- ☐ Clothing that promotes violence against others or vulgarity
- ☐ Any article of clothing which could be perceived as being gang related
- ☐ Inappropriate necklines on tops/dresses
- ☐ All shirts/tops must have sleeves, belly shirts are not allowed; a student's shirt should either be long enough to tuck in or to cover the belt (waist-band) of their pants/skirt/shorts. Students are not allowed to wear muscle shirts or A-line undershirts.
- ☐ Shorts/skirts which are too short (generally more than 4 inches above the knee)
- ☐ Pajama pants
- ☐ Yoga pants, leggings, jeggings, spandex or any body-hugging pants
- ☐ Pants/shorts/skirts must cover underwear and backside at all times regardless of movement
- ☐ Footwear must be worn at all times, house shoes/slippers/shoes without soles are not permitted

**Exceptions to the above examples:**

- ☐ School/district athletic team shirts are permissible (i.e. archery, trap shoot teams)
- ☐ Yoga pants, leggings, jeggings, spandex or any body-hugging pants can be worn with a shirt that appropriately covers the student's front and back

**Accessories**

- ☐ No dangerous jewelry such as dog collars, fish hooks, wallet chains, belt chains, or spike jewelry, etc. are permitted.
- ☐ Sunglasses are not to be worn inside the building unless ordered by a physician.
- ☐ No oversized jackets or trench coats are to be worn inside the building during the day.
- ☐ Offensive tattoos must be covered.
- ☐ Blankets, sheets and pillows should not be brought to school.

**Enforcement**

Students who are in violation of any portion of the TPS dress code should be first reported to the appropriate high school or middle school team leader before referring them to school administration.

The school administration shall have the right to evaluate any clothing to determine its appropriateness within the guidelines of the dress code. Administrators shall also have the right to make an interpretation on the decency and appropriateness of any garment. Administrators, teachers, and other support personnel are responsible for enforcing the dress code.

**Consequences**

Students who are out of compliance with the dress code will be asked to change into something appropriate when notified of a violation. Appropriate replacement clothing items should be brought to the school by a parent, guardian or supporting adult. TPS may have appropriate clothing items or hat the student can borrow to meet the dress code, but this is not guaranteed and is subject to availability. School supplied clothing and hats must be returned at the end of the day; students must exchange their inappropriate clothing for the borrowed item. Students

who refuse to change clothes, continue to sag pants or remove inappropriate items may be assigned One Way and/or sent home when deemed appropriate by school administrators. If One Way is not available, student will stay with team leader until clothing is changed or someone arrives with replacement. If student does change or adjust clothes, but changes back throughout the day (without permission), student will be placed in One Way (or with team leader) the remainder of the school day and receive a discipline referral for defiance. Students who consistently violate the dress code will receive disciplinary action reflecting this repeated defiance of authority. Any clarification regarding apparel's appropriateness should be obtained from the school administration PRIOR to wearing the apparel to school.

#### Cell Phones, Video Games, Personal Electronics and Other Hand-held Devices

Schools can require students to turn in these items each morning and pick them up in the afternoon. We allow students to keep their electronic devices as long as they do not have them out or turned on during the school day. If a student has their device out or is using it during the day, it may be taken away from the student and locked up in the classroom or turned into the office for safekeeping. At the end of the day, these items will be returned to students. Students that consistently violate this rule will receive disciplinary action which might include a daily search and seizure of the device; a parent must then come to school to pick up the device. Students who routinely abuse the cell phone policy may have to pay a \$10.00 fee to get the phone back. **Students assume all risk for these items; loss, theft, or damage of them will not be handled through the school's administration.**

During the 2019 fall semester TPS administration will be collecting and analyzing data surrounding the authorized and unauthorized use of electronic devices (cell phones, etc.). Based on that data, TPS administration reserves the right to change the electronic device policy beginning in January of 2020. These changes could include the banning of all student electronic devices at TPS.

#### Harassment, Discrimination and Bullying

As stated in our belief statements, the staff at TPS believes all people have value, dignity, and worth. Therefore, we have no tolerance for behavior meant to degrade another person. Each act of harassment or bullying is considered serious, and will be subject to disciplinary action. Harassment can be defined as persistent, malicious teasing, intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such a manner as to be commonly understood to convey hatred, contempt, or prejudice. Bullying can be defined as actions intended to cause others to feel socially excluded, sexually harassed, or frightened. These actions include mean teasing and sketching or drawings of a violent, sexual, or otherwise inappropriate nature.

Sexual Harassment includes any unwelcome behavior of a sexual nature that interferes with the life of the targeted individual(s); it is unsolicited and non-reciprocal. It includes the use of sexist terms, comments about body parts, sexual advances, electronic distribution or possession of sexual or nude photos, unwanted touching, gestures, taunting, sexual graffiti and rumor mongering about someone's sexual identity or activity. Sexting or using a cell phone or other personal communication device to send texted or email messages or possessing texted or email messages containing images reasonably interpreted as indecent or sexually suggestive while at school or at school related function is also considered sexual harassment. Generally, any



behavior of a sexual nature that provokes undesirable, uncomfortable feelings in an individual or individuals can be considered harassment. Repeated sexual harassment is a form of bullying (see Section 4- Anti-Bullying Bill). (Section 09.42811 of Jessamine County's Board Policy Manual).

Harassment, intimidation, bullying, or threats that occur via internet, email, or other computerized application, even from home, when it causes a disruption to the educational process will be dealt with as a school violation.

Verbal warnings may be issued by a teacher for first-time offenses that are considered "inappropriate language" which could be interpreted as harassing or bullying if used repetitively. However, if a student persists in using inappropriate language and/or directs it at another student, the following continuum of consequences begins.

- ☐ Lower Level Offense
  - o This might include generic name calling (sexual terms, racial terms, etc.), gestures, and possibly jokes.
  - o Possible consequences might include an apology to the person, parent phone call, after school detention, or One Way.
- ☐ More Serious Offense
  - o First offense- Consequences could include after school detention, One Way, and/or parent contact.
  - o Second offense- a 3-day assignment to One Way.
  - o Third offense- 1-day suspension
  - o Fourth offense- 2-day suspension
  - o Fifth offense- 3-day suspension
  - o Sixth offense- Student may be recommended to the Board for expulsion.

*In addition to disciplinary action, in cases dealing with cell phones-- the phone will be confiscated and students should be aware that any suspect images which may violate criminal laws will be referred to law enforcement authorities.*

#### Search & Seizure

The 4<sup>th</sup> Amendment of the United States Constitution protects all citizens against unreasonable search and seizure. However, there is a distinction between searches of a student's person and those which involve desks, lockers, and other items that belong to the school system making school officials legally responsible for these items. Permission to search these items does not have to be obtained from the student. According to Jessamine County policy, a student is asked to grant permission for a search to be conducted of their person or any personal belongings such as a coat or bag. If a student refuses to grant permission for the search, then the administration at TPS will immediately contact parents/guardians as well as law enforcement. The following guidelines will be used to help guide the decision-making about searches of students and their personal belongings:

- ☐ there will be no indiscriminate searches.
- ☐ there will be no strip searches.

- ☐ searches may be conducted by law enforcement, parents, the administration or acting administration of TPS.
- ☐ two certified staff members will be present.
- ☐ searches will be conducted only when there is reasonable suspicion a student is potentially committing a serious Code of Conduct violation (for example- weapons or drugs).

#### Metal Detectors

The staff at TPS reserves the right to utilize a metal detector any time they have reasonable suspicion. In addition, any student who has brought a weapon, or any item which could be used as a weapon, to any school in the past, will be checked at the discretion of the staff. The staff also reserves the right to periodically perform random searches with metal detectors as students enter the building.

#### Detention

After School Detention is a discipline consequence that will be held at TPS at least one day a week. Should the TPS staff identify a need to increase the number of days we hold detention, more will be added. Detention is usually assigned for skipping class but can be used for other violations also. The school does not provide transportation for students who have been assigned detention so parents will need to arrange to pick their student up after detention ends. Parents will be notified in advance if their son or daughter has been assigned detention so they have time to make transportation arrangements.

#### One Way/OCS

One Way is a discipline consequence which is an alternative to suspension. One Way is available for all secondary students in Jessamine County. We hope to reduce the need for suspending students to home with the use of focus rooms, after school detention, and assignments to One Way. Students who are assigned to One Way are expected to complete their regular classroom assignments in addition to any work the One Way teacher may assign. Students that do not have work from their classroom teachers will receive assignments from the One Way teacher. Students are expected to do this work and teachers are expected to give students a grade for it. Compliance with the rules of One Way is expected and will be necessary in order for a student to return to his/her regular classroom.

## **Academic Policies**

### **Credits and Classification**

Freshman – up to 5 credits  
Sophomore – 5 ½ to 11 credits  
Junior – 11 ½ to 17 credits  
Senior – 17 ½ - 26 credits

Students must have 26 credits (specific requirements/electives) in order to graduate, as well as meet other requirements as set by the Board of Education. Furthermore, a student will be considered a “graduate” as soon as he/she has earned the required credits and requirements; however, students are strongly encouraged to return to the graduation ceremony at TPS and/or their sending school. It is the student’s responsibility to contact their sending school for graduation information.

### **Standards-Based Grading (SBG)**

The Jessamine County School District is a Standards Based Grading district. SBG measures a student’s progress against known and established milestones, not against how well their classmates are doing.

### **Grading Policy**

Assignments are graded according to how well a student demonstrates understanding of mastery of the related standard based on the grading rubric for that standard. The understanding of mastery is scored on the following 4-point scale:

|                     |   |
|---------------------|---|
| Mastery             | 4 |
| Approaching Mastery | 3 |
| Partial Mastery     | 2 |
| No Mastery          | 1 |

### **Weighted Grades**

|                  |     |
|------------------|-----|
| Summative Weight | 70% |
| Formative Weight | 30% |

Scores of 3 and 4 meet a standard. Scores of 1 and 2 do not meet a standard. While this scale and category percentages are universally used at TPS, the teacher of record has discretion in the retake policy.

### **Assessments**

Formative assessments, shorter learning checks used to gauge student progress will be weighted 30% of the student grade. Summative assessments, longer learning checks used to

gauge overall student mastery, will be weighted 70% of the student grade. All students must score a 3 or a 4 on the summative assessment to have mastered that particular standard.

### **Remediation**

Students will have opportunities to receive remediation on non-mastered content and earn the right to retake assessments on any standards on which they would like to improve. One opportunity to receive remediation will be during the Tier 2 Flex time allotment each week at the High School. The middle school will provide tier 2 remediation as needed based on student data.

### **Make-Up Work for Missed Days**

District Board Policy - Page 8, Section J. Opportunity for make-up work will be given for all absences. It is the responsibility of the student and parent to contact the designated staff person about make-up work. Students may be assigned different assignments in order to make up missed grades.

### **Determining a Final Score on Standards**

For secondary students, there are additional steps to reaching a final grade. To determine the final grade for the class, a secondary student's scores on all power standards assessed are averaged together. (All scores are added together, then divided by the number of standards) That number is converted to a letter grade based on the chart below.

Any class with JCS developed power standards must cover all of those power standards. Any class without defined power standards or any elective must cover at least 10 standards.

| Grade Equivalent |      | Letter Grade |
|------------------|------|--------------|
| 3.50             | 4.00 | A            |
| 3.00             | 3.49 | B            |
| 2.30             | 2.99 | C            |
| 0.00             | 2.29 | F            |
|                  |      | I            |

A teacher can input a letter grade 'I' at the end of a class if the student did not master enough standards to average a C. Amending the grade from 'F' to 'I' indicates that the student only needs to demonstrate mastery on 1 or 2 standards to move from failing the course to passing the course. By moving the grade from 'F' to 'I' the teacher agrees in principal to providing the student with learning and assessment opportunities the following semester to raise the overall course grade. The teacher takes sole responsibility for the course work required. Failure of a student to demonstrate mastery in the following semester will require the grade be amended from an 'I' to an 'F.'

The semester following an 'I' grade, the teacher of record will report the mastery of the necessary standard(s) to the appropriate counselor for transcript and grade amendment. Any

amendment must be finalized and communicated to the appropriate counselor prior to the final week of the semester.

Any student receiving an 'I' grade will be informed of the change from 'F' to 'I' by the teacher of record no later than the end of the first week of the following semester.

#### **Earning Credits for High School Students**

TPS high school students earn credits in two possible ways.

1) Students in teacher-taught courses must complete work to 80% mastery or average greater than a 3 on all scored assignments if the class uses standards based grading (SBG). Students in these courses will be asked to correct an assignment if the first grade is below 80%, a 3 for SBG, or complete an alternative assignment. 2) Students with a final course grade of 64%, a 2 (SBG), or lower will receive an "F" for that class and will have to retake the class. Students that have an "I" will have one semester to bring that up to a passing grade.

#### **NTI Days**

The goal of this initiative is to provide students with rigorous and relevant work and activities for students at home during snow or other emergency days and reduce the number of make-up days students and staff must complete at the end of the year. Before the threat of bad weather occurs, each teaching team will send work home that should provide students with enough work to last at least one instructional week. Students must complete this work and turn it in to the sending teacher upon their return to school.

### **Student & Parent Handbook Contract**

As a student of The Providence School in the school year 2019-2020, I sign this contract to agree I will abide by the expectations described within this handbook. If I fail to meet these expectations for any reason, I understand I will receive an appropriate consequence for each violation. Unwillingness to accept consequences will jeopardize my current placement at TPS.

As a parent or guardian of a young person attending The Providence School, I agree to expect my son/daughter to meet the expectations contained within this handbook. Furthermore, if problems should arise due to my son's/ daughter's unwillingness to cooperate, I agree to meet with school personnel in an attempt to resolve the conflict.

By signing this contract, each person acknowledges their part in making TPS a school where learning is not only possible, but expected, for all students. Unsafe conditions do not provide an environment effective for learning. Furthermore, each signature below states that the handbook has been read and that each party agrees to abide by the rules and expectations outlined in the handbook.

**Student Signature**\_\_\_\_\_ **Date**\_\_\_\_\_

**Parent Signature**\_\_\_\_\_ **Date**\_\_\_\_\_

***Title I Compact***  
**The Providence School**  
**2019-2020**

It is our belief that student performance will improve as a result of our cooperative efforts to support this compact. This is a three-way partnership with a specific goal in mind: increased student achievement.

**Parent Commitment**

- Ask your children about school work daily.
- Be available to assist at home or school.
- Sign and return all papers requiring a parent or guardian's signature.
- Encourage positive attitudes toward school.
- Require regular school attendance and provide documentation when student is absent
- Attend parent-teacher conferences.
- Attend school-wide events.
- Be responsible for updating emergency information.

**Student Commitment**

- Use Discovery skills daily.
- Attend school regularly.
- Clarify and validate by asking the teacher any questions about the work.
- Take home materials and information needed.
- Turn work in on time.
- Return any signed forms in in timely manner.
- Respect the personal rights and property of others.

**Teacher Commitment**

- Provide quality instruction and leadership.
- Focus on meeting the needs of the whole student.
- Intentionally embed Discovery into every minute of every day emphasizing the connections to core content and real-life.
- Differentiate lessons to ensure all students have access to presented information, intentionally connecting learning with real-life applications.
- Teach rigorous lessons bell-to-bell.
- Give corrective feedback and instructional follow-up.
- Recognize that students are accountable for every assignment.
- Communicate process points and academic progress to students and their parents.
- Respect cultural, racial and ethnic differences.
- Keep accurate records of student achievement.
- Provide parents with reasonable access to staff, volunteer/participation opportunities, and observation of classroom activities.

Student's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Teacher's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Principal's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Behavior Intervention Plan

Friday, June 19, 2020  
8:01 PM



**Enter District Name Here**  
**BEHAVIOR INTERVENTION PLAN**

**Date(s):**

|                           |  |             |  |
|---------------------------|--|-------------|--|
| Student's Full Name:      |  | SSID:       |  |
| Date of Birth:            |  | Grade:      |  |
| School:                   |  | Disability: |  |
| Person(s) developing BIP: |  |             |  |

**STUDENT INFORMATION**

| Guiding Questions                                                                                                                                               | Student's strengths and/or preferences |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| 1. What do the results of interviews, learning style inventories, reinforcement inventories; ILP, etc. tell you about the strengths, interest/s of the student? |                                        |
| 2. What does the student like to do or enjoy doing?<br>What does the student like to talk about, read about, draw about, write about, play with?                |                                        |
| 3. What are the student's learning preferences?                                                                                                                 |                                        |
| 4. Where, when, with whom is the student successful?                                                                                                            |                                        |
| 5. Who are important people in the student's life in and out of school?                                                                                         |                                        |
| 6. Has anything happened at home that could impact the student in the school environment?                                                                       |                                        |
| 7. What consequences (positive or negative) have worked to increase positive behavior (include length of time implemented )?                                    |                                        |
| 8. What tangibles/rewards have been effectively used in the past to work with the student?                                                                      |                                        |

|                      |  |       |  |
|----------------------|--|-------|--|
| Student's Full Name: |  | SSID: |  |
|----------------------|--|-------|--|

### TARGET BEHAVIOR/BEHAVIOR OF CONCERN

| Guiding Questions                                                                                                                                                                                                         | Target Behavior/Behavior of concern |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1. Define the target behavior/behavior of concern in measurable, observable, and objective terms.                                                                                                                         |                                     |
| 2. Under what circumstances is the behavior most likely/least likely to occur (e.g., changes in environment, availability of materials, time of day, clarity of expectations, interactions, type of activity/task, etc.)? |                                     |
| 3. What is the intensity level of the target behavior/behavior of concern?                                                                                                                                                |                                     |
| 4. How often does the behavior occur?                                                                                                                                                                                     |                                     |
| 5. Where does the behavior occur (setting)?                                                                                                                                                                               |                                     |
| 6. Where does the behavior <u>not</u> occur (setting)?                                                                                                                                                                    |                                     |
| 7. What type of activity is the behavior more likely to occur (setting event)?                                                                                                                                            |                                     |
| 8. Is there a pattern of what type of task the student is involved when the target behavior/behavior of concern occurs (content, level of difficulty for student [e.g., too difficult, too easy])?                        |                                     |

### FUNCTION OF BEHAVIOR

| Guiding Questions                                                | Function of the Behavior                                                            |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| What is the function of the target behavior/behavior of concern? | <input type="checkbox"/> access or gain<br><input type="checkbox"/> escape or avoid |

|                      |  |       |  |
|----------------------|--|-------|--|
| Student's Full Name: |  | SSID: |  |
|----------------------|--|-------|--|

### REPLACEMENT BEHAVIOR

| Guiding Questions                                                                                                                                                                    | Replacement Behavior |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Describe an acceptable behavior to replace the target behavior/behavior of concern. (Replacement behavior must meet the same function as the targeted behavior/behavior of concern.) |                      |

**NOTE: If the student has an IEP, ensure that there is an IEP goal connecting to this target behavior/behavior of concern.**

### INSTRUCTIONAL STRATEGIES FOR INCREASING APPROPRIATE BEHAVIOR

| Guiding Questions                                                                                                                                                                            | Structures/Supports Needed (Environment) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 1. Does the student know what is expected of him/her throughout the day (e.g., schedules, agenda, and visual supports)?                                                                      |                                          |
| 2. Is the physical structure of the classroom impacting behavior? What modifications (instructional/environmental) are needed?                                                               |                                          |
| 3. Are the daily instructional objectives and delivery of instruction appropriate for the student? Is the delivery of instruction at the student's instructional level or frustration level? |                                          |
| 4. Is the student's communication <u>system</u> (i.e., PECS, AAC, etc.) readily available and routinely used by the student and staff?                                                       |                                          |
| 5. What are the precorrection strategies and cues needed to remind the student not to exhibit target behavior?                                                                               |                                          |

Monitored by: \_\_\_\_\_

### SPECIFIC PLAN TO TEACH THE REPLACEMENT BEHAVIOR

| Guiding Questions:                                                                                                                                                                                          |                                      |           |                       |          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------|-----------------------|----------|
| 1. What skills are needed for the student to demonstrate the replacement behavior (e.g., communication, anger management, self-management systems, social skills, conflict resolution, and generalization)? |                                      |           |                       |          |
| 2. What direct instruction and practice opportunities are you providing to teach the replacement behavior?                                                                                                  |                                      |           |                       |          |
| Who                                                                                                                                                                                                         | Will teach what replacement behavior | Frequency | Instructional Minutes | Location |
|                                                                                                                                                                                                             |                                      |           |                       |          |
|                                                                                                                                                                                                             |                                      |           |                       |          |
|                                                                                                                                                                                                             |                                      |           |                       |          |

Monitored by: \_\_\_\_\_

Is social skills instruction documented in the IEP?

☐ YES

☐ NO

|                      |  |       |  |
|----------------------|--|-------|--|
| Student's Full Name: |  | SSID: |  |
|----------------------|--|-------|--|

**REINFORCEMENT SYSTEM TO INCREASE REPLACEMENT BEHAVIOR AND  
DECREASE THE TARGET BEHAVIOR/BEHAVIOR OF CONCERN:**

| Guiding Questions                                                                                                | Reinforcement System Needed |
|------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 1. What student reinforcement preference assessment, inventory, or interview was used and what were the results? |                             |
| 2. What type of reinforcer (e.g., praise peer attention, adult attention tangibles) will be used?                |                             |
| 3. Does the reinforcer meet the needs of the student and match the function of the behavior?                     |                             |
| 4. What type of delivery system will be used (e.g., token, points, tickets, stickers, sticks, money)?            |                             |
| 5. How often and by what criteria will the reinforcement be delivered (e.g., procedure, schedule)?               |                             |
| 6. What fading procedures will be used?                                                                          |                             |

Monitored by: \_\_\_\_\_

**REACTIVE STRATEGIES TO USE WHEN TARGET BEHAVIORS OCCUR**

| Guiding Questions                                                                                            | Reactive Strategies                                                                  |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 1. What correction procedures and/or consequences will be used when target behavior occurs?                  |                                                                                      |
| 2. What feedback will be provided to remind the student to use replacement behavior?                         |                                                                                      |
| 3. Is there a need for a Crisis Plan?                                                                        | <input type="checkbox"/> NO <input type="checkbox"/> YES. Attach a copy of the plan. |
| 4. Are there health concerns to be considered when implementing the crisis plan?                             | <input type="checkbox"/> NO <input type="checkbox"/> YES. Attach a copy of the plan. |
| 5. What type of reflective instructional correction strategies will be used when the target behavior occurs? |                                                                                      |

Implementers: \_\_\_\_\_

|                      |  |       |  |
|----------------------|--|-------|--|
| Student's Full Name: |  | SSID: |  |
|----------------------|--|-------|--|

### COMMUNICATION PROVISIONS

Attach documentation to be used (e.g., daily checklist, point sheet, parent-o-gram, weekly note).

| Guiding Questions                                                                                         | Communication Provisions |
|-----------------------------------------------------------------------------------------------------------|--------------------------|
| 1. How will regular communication among staff take place to evaluate, and/or revise, including frequency? |                          |
| 2. How will parents be consistently informed of progress?                                                 |                          |
| 3. How will the student consistently be informed of progress?                                             |                          |

Monitored by: \_\_\_\_\_  
Title Only

### PROGRESS MONITORING

Target Behavior/ Behavior of concern:

|                      |  |       |  |
|----------------------|--|-------|--|
| Student's Full Name: |  | SSID: |  |
|----------------------|--|-------|--|

**MONITORING OF BEHAVIOR IMPROVEMENT PLAN**

|                                                                                                                                                                                                                                                                                                                        |                        |                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------|
| <p><b>Data:</b></p> <p>Establish the baseline data for the target behavior/behavior of concern.</p><br><p><b>Maintain daily/weekly data and document on this graph or see attachment.</b></p><br><p><input type="checkbox"/> See Attached.</p><br><p>Staff member responsible for collecting and maintaining data:</p> | <p><b>Baseline</b></p> | <p><b>Progress Reports</b></p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------|

|                      |  |       |  |
|----------------------|--|-------|--|
| Student's Full Name: |  | SSID: |  |
|----------------------|--|-------|--|

### PROGRESS ANALYSIS

Based on the ongoing progress data above and **attached summary data** (e.g., graphs, behavior incidence log summaries, and/or data collection sheet scores), answer the following questions:

| Review Dates:                                                                                 |  |  |  |  |  |  |
|-----------------------------------------------------------------------------------------------|--|--|--|--|--|--|
| 1. Is the problem behavior decreasing in frequency and intensity?                             |  |  |  |  |  |  |
| 2. Is the student using the replacement behavior regularly?                                   |  |  |  |  |  |  |
| 3. Has the student generalized the use of the new behavior to various settings?               |  |  |  |  |  |  |
| 4. Are there other positive effects (e.g., better grades, improved self-esteem, less stress)? |  |  |  |  |  |  |

If the **instructional strategies** and/or the **reactive** strategies on the Behavior Intervention Plan are not effective, revise or develop new strategies

## BEHAVIOR INTERVENTION PLAN SUMMARY

**Date(s):**

|                           |  |             |  |
|---------------------------|--|-------------|--|
| Student's Full Name:      |  | SSID:       |  |
| Date of Birth:            |  | Grade:      |  |
| School:                   |  | Disability: |  |
| Person(s) developing BIP: |  |             |  |

|                                                                                                                                                                                                                                                 |                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <b>Target Behavior/Behavior of Concern 1:</b><br><br><b>Replacement Behavior:</b><br><br><b>Strategies to implement:</b><br><b>When Replacement behavior occurs:</b><br><br><b>When Problem behavior occurs:</b><br><br><b>Data to collect:</b> | <b>Function of Behavior:</b> |
| <b>Target Behavior/Behavior of Concern 2:</b><br><br><b>Replacement Behavior:</b><br><br><b>Strategies to implement:</b><br><b>When Replacement behavior occurs:</b><br><br><b>When Problem behavior occurs:</b><br><br><b>Data to collect:</b> | <b>Function of Behavior:</b> |
| <b>Target Behavior/Behavior of Concern 3:</b><br><br><b>Replacement Behavior:</b><br><br><b>Strategies to implement:</b><br><b>When Replacement behavior occurs:</b><br><br><b>When Problem behavior occurs:</b><br><br><b>Data to collect:</b> | <b>Function of Behavior:</b> |
| <u><b>Additional Considerations</b></u>                                                                                                                                                                                                         |                              |
| <b>Instructional Strategies to support success:</b><br><b>Crisis plan:</b><br><b>Person(s) to communicate progress to:</b><br><b>Date(s) to review BIP:</b>                                                                                     |                              |



# Disciplinary Notices

Friday, June 19, 2020

8:01 PM