

Presidio School

EXCEPTIONAL STUDENT SERVICES POLICIES AND PROCEDURES

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IDEA Policies and Procedures: Terms and Definitions

It is the intent of these policies to guide *Presidio School's* course of action in its mission of serving the unique needs of all students with disabilities. The procedures developed within the structure of these policies provide detailed directions as to how, by whom, where and when things are to be done and will be strictly enforced by the school's administration.

Child Find/Identification

The local education agency (school) is responsible for ensuring that all children residing within its jurisdiction who have disabilities and who are in need of special education and related services, are identified, located and evaluated.

Each child who may have a disability will be appropriately identified and evaluated. The following aspects are taken into consideration for identification and evaluation:

- All children with disabilities, including those who attend private schools, are homeless or wards of the State, and those who are highly mobile (e.g. migrant children), who are in need of special education and related services shall be identified, located and evaluated, regardless of the severity of their disability. (§300.125).
- A practical method shall be developed and implemented to determine which children are currently receiving needed special education and related services (§300.125).
- Presidio School's policy applies to highly mobile children with disabilities and children who are suspected of having a disability under §300.7 and in need of special education, even though they are being promoted to the next grade (§300.125)
- Presidio School will identify, locate, and evaluate all children with disabilities within the population they serve who are in need of special education and related services.
- Presidio School will maintain documentation of the public awareness efforts to inform the public and parents within Pima County, including private and religious schools, of the availability of special education services (§300.125, AACR702-401)

The Individuals with Disabilities Education Act (IDEA) covers students who need special education and related services because they have a disability in one or more of the following categories:

- Autism
- Emotional Disability
- Hearing Impairments (including deafness)
- Mild, Moderate or Severe Mental Retardation
- Multiple Disabilities
- Multiple Disabilities With Severe Sensory Impairment
- Orthopedic Impairments
- Other Health Problems
- Pre-school Moderate, Severe or Speech/Language Delay

- Specific Learning Disabilities
- Speech or Language Impairments
- Traumatic Brain Injury
- Visual Impairments (including blindness)
- Those who because of impairments need special education and related services

Evaluation

The procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the student needs. The term includes procedures used selectively with an individual student and does not include basic tests administered to, or procedures used, with all students in a school, grade or class. Evaluations are conducted by trained and qualified professionals.

Each child with a possible disability will be individually evaluated by a Multidisciplinary Evaluation Team (MET) in all areas related to any suspected disability to determine eligibility for special education and to provide programmatic recommendations or determine that the student does not qualify and is not in need of special education services. All information will be contained in a written report. Copies of the written report will be provided to all parties of the MET.

For students receiving IEP services, a re-evaluation is conducted every three years or more frequently if conditions warrant or if the student's parent/guardian or teacher requests it.

Placement:

Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of students with disabilities. Alternative placements shall include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions and shall make provision for supplementary services (resource or itinerant) to be provided with regular classes.

The education placement is

- determined at least annually;
- based on the student's Individualized Education Program (IEP); and
- in the least restrictive environment (LRE)

Least Restrictive Environment:

An environment that to the maximum extent appropriate, students with disabilities are educated with non-disabled students and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Children with disabilities will be challenged to participate in the school's standard curriculum. Accommodations and/or modifications to the curriculum (including pull out services) will be

provided to maximize the students' abilities to access the general education curriculum to the maximum extent appropriate with their non-disabled peers.

Free Appropriate Public Education (FAPE):

Special education and related services that:

- are provided at public expense, under public supervision and direction and without charge;
- meet the standards of the state educational agency;
- include pre-school, elementary or secondary education; and
- are provided in conformity with an IEP that meets the requirements of §300.340-§300.350.

Individualized Education Program (IEP):

Any student who is eligible for special education services (instruction specially designed to meet the unique needs of a student with a disability that is provided at no cost to the parents/guardians) receives an Individualized Education Plan (IEP). An IEP is a written educational plan for a child with a disability age 3 through 21 that is developed by the agency and the eligible student and/or parents/guardians of the student.

An IEP for each student must include:

- a statement of the student's present levels of educational performance;
- a statement of annual goals and short term measurable objectives for evaluating progress towards those goals;
- a statement of the specific special education and related services and the extent that the student will participate in regular education programs;
 - (*Related services* include transportation and such developmental, corrective and other supportive services as are required to assist a student with a disability to benefit from special education.)
- the projected dates for initiation of services and the anticipated duration of services;
- appropriate objective criteria, evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved; and
- beginning no later than age 16 (at a younger age, if determined appropriate) and annually thereafter, a statement of the needed transitional services, including, if appropriate, a statement of each public agency and each participating agency's responsibilities or linkages, or both, before the student leaves the school setting.

Prior Written Notice:

A prior written notice is required to notify the parent/guardian before the agency proposes or refuses to initiate or change the identification, evaluation, educational placement, disciplinary measures, or the provision of FAPE to a student with a disability and/or suspected disability.

Extended School Year Services:

The term extended school year services means special education and related services that are provided to a child with a disability beyond the normal school year of the public agency in accordance with the child's IEP and at no cost to the parents of the child with a disability.

Recoupment:

The term recoupment means the amount of time required to re-learn skills included in the child's IEP following an extended break in instruction.

Regression:

The term regression means the reversion to a lower level of functioning in skills or behavior specified in the child's IEP, which results from an extended break in instruction,

Critical Learning Stage:

The term critical learning stage means a developmental period in which a child has mastered a concept or skill in one setting and is ready to generalize what has been learned so that it can be applied in other situations. A critical learning stage exists if the child is unlikely to retain the concept or skill, in order to generalize what has been learned to other situations.

Procedural Safeguards

Parents/guardians will be encouraged to be active participants with school personnel in all aspects of the special education process. Evaluations will not be conducted without their consent and they will be informed of and be allowed to participate in all meetings related to eligibility and placement decisions. Parents/guardians will be provided with all information relevant to any activity that has been proposed and will be given a means for recourse if agreement cannot be reached. In cases of disagreement, the parents/guardians will be encouraged to participate in Arizona's mediation process. A copy of Parental Rights and Responsibilities is provided to all families and accompanies any and all Prior Written Notices.

IDEA Policies and Procedures: Presidio School Policies

Confidentiality of Information:

It is the policy of Presidio School to restrict access to confidential student records to those persons legally authorized by the State of Arizona, the Principal, Vice Principal, Director of Exceptional Student Services, and special education teachers. Access to a particular student's file is extended to the eligible student, parents or legal guardians of the student, regular education teachers who are currently providing instruction, and to professionals employed by the school to provide specialized services and/or assessments. Policies and procedures are designed to meet the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals With Disabilities Act (IDEA).

Presidio School's policy assures that:

- Parents may inspect and review any educational records relating to their children that are collected, maintained or used by Presidio School. Without unnecessary delay, Presidio School shall comply with parent requests and in no case more than forty-five days after request (§300.562).
- Procedures shall be established and implemented to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. (§300.572)(a).
- Parents may request an amendment of records if they believe the information in records is inaccurate, misleading or violates the privacy or other rights of their child (§300.567).

Free Appropriate Public Education -- FAPE (§300.300(a) and §300.121(e):

Presidio School ensures that all children with disabilities aged 3 through 21 within its jurisdiction have the right to a free appropriate public education (FAPE), including children with disabilities who are advancing from grade to grade. FAPE shall also be provided to students who have been suspended or expelled from school in accordance with §§300.300(a) and 300.121(e).

Pupil Teacher Ratios:

It is the policy of Presidio School to maintain a pupil teacher ratio of not more than twenty-five (25) pupils to one (1) teacher. In most instances a ratio of 16 pupils to one teacher is maintained.

Graduation Requirements:

Special education students are required to meet the graduation requirements as established by the Arizona Board of Education. Students must obtain a minimum of twenty (20) credits. Presidio School ensures that the governing board shall prescribe criteria for graduation for students with disabilities which shall include accomplishment of the academic standards adopted by the State Board of Education in reading, writing, and mathematics (§ARS 15-701.01.B.).

Presidio School's governing board may adopt other criteria for students with disabilities including additional measures of academic achievement and attendance which are in addition to the courses of study and competency requirements prescribed by the State Board of Education (§ARS15-701.01) and (AAC R7-2301 (D)(1)).

Private Schools

Presidio School policies ensure that special education and related services shall be provided to a child with a disability who has been placed in or referred to a private school or a facility by Presidio School (§§300.401-300.402).

Presidio School will not pay the cost of education, including special education and related services, of a child with a disability at a private school or facility if Presidio School made FAPE available to the child and the parents elected to place the child in a private school or facility, unless Presidio School is required to do so by a court or hearing officer (§300.403).

Presidio School ensures that private school children, including religious-school children residing in the jurisdiction of Presidio School will be located, identified and evaluated (§300.451).

The public school will exercise administrative control of all property, equipment, and supplies that Presidio School acquired with federal funds for the benefit of private school children with disabilities (§300.462).

Presidio School ensures that, if a placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, shall be at no cost to the parents of the child (§§300.302 and ARS 15-765).

IDEA Policies and Procedures: Presidio School Procedures

Confidentiality of Records (§300.560 - §300.576):

All paper-generated student records are stored in locked file cabinets that are kept in the administrative area of the school. In addition to the hard-copy documents, student records are maintained in a computerized system.

Access Rights

- Responses to reasonable requests for explanations and interpretation of educational records will be provided to parents (§300.562).
- Parents will be given copies of records if failure to provide copies would prevent parents from inspecting and reviewing records (§300.562).
- A parent's representative will be given an opportunity to inspect and review the educational records (§300.562).
- Presidio School may presume the parent has authority to inspect and review records relating to his or her child unless Presidio School has been advised that the parent does not have the authority under applicable State law. (e.g., guardianship, separation, divorce) (§§ 300.562)(c)-ARS 15-761 (21)-AAC R7-2-405 (8) and AAC R7-2-401 (22).
- An *Access Sheet* (Form A) is contained in each student's file in order to document and track access to the file. Each time an authorized agent accesses a student file an entry is made on the Access Sheet.
- Presidio School will record the name, access date, and purpose for access of parties obtaining access to records (§300.563).
- If a record has information on more than one child, eligible parties requesting information have a right to inspect and review only the information relating to the specified child (§300.564).
- Presidio School will maintain a list of types and locations of educational records that are collected, maintained or used and provide a copy of said list upon request (§300.5665).
- Access to both record keeping systems is restricted to those legally authorized by the State of Arizona, the Principal, Vice Principal, Student Services Administrator, special education teachers, regular education teachers currently providing instruction, and to professionals employed by the school to provide specialized services and/or assessments.
- Access to an individual student's file is extended to include eligible students, parents or legal guardians of the student or designated representatives of the parents/guardians in accordance with the Family Educational Rights and Privacy Act (FERPA), the Individuals With Disabilities Education Act (IDEA). The person making the request must submit a written request that identifies as precisely as possible the record or records he or she wishes to inspect and how access is to be arranged. The request for records will be honored without unnecessary delay and in no more than 10

days after the request has been made and prior to any meeting regarding an IEP evaluation or educational placement of the student.

- Presidio School will provide copies of records to the parent if failure to do so prevents the parent from inspecting or reviewing the records (§300.562)(b)(2).
- Presidio School may charge for copies if the fee does not prevent inspection or review of the record (§300.566)(a).
- Presidio School will not charge a fee to search for or retrieve information (§300.566)(b).

Notification of Rights

- Anyone evidencing a belief that the school is violating the FERPA is informed that he/she has the right to file a complaint with the U. S. Department of Education, Family Policy Compliance Office.
- At the time of registration, a statement of rights extended under FERPA and IDEA will be given to eligible students and parents/guardians of students.
- Notice will be distributed in the native languages of the various population groups in Presidio School (§ 300.561(a)(4).
- Presidio School will inform parents by publishing a notice or announcement in newspapers or through other media, or both, with circulation adequate to notify local parents before any major identification, location, or evaluation activity (§300.561)(b).
- The Annual Notice will contain the following components:
 - a notice to parents and eligible students stating that they have the right to inspect and review the student's education record (§99.7 and §300.564).
 - the procedure for exercising the right to inspect and review the student's education record (§99.7) within 45 days (§§99.10 - §300.521 and §300.528).
 - Parents and eligible students have the right to seek amendment of the student's education record that is believed to be inaccurate, misleading, or in violation of the student's privacy rights (§99.7 and §300.567).
 - the procedure for requesting amendment of the record (§99.7).
 - parents and eligible students have the right to give consent before the release of personally identifiable information (except to the extent that the Act and §99.31 authorize disclosure without consent) (§99.7).
 - if, under, Presidio School discloses information in the optional situations without prior consent, the notice must also include specification of criteria for determining who constitutes a school official (§99.31(a),and
 - what constitutes a legitimate educational interest (§99.7(a)).
 - notice that rights regarding records transfer at age 18 (§99.5(a) §300.574(b).

Record Amendment Request

- A parent may request amendment of records if he/she believes that information in an education record is inaccurate, misleading, or otherwise in violation of student privacy or other rights. (§99.7) and (§300.567)(a).

- Presidio School will decide whether to amend information within a reasonable period of time (§99.7) and (§300.567)(a).
- If Presidio School refuses to amend, parents will be informed of the refusal and of the right to a hearing. (§300.567)
- If the parent requests a hearing, Presidio School will provide an opportunity for a hearing to challenge information in records (§300.568).
- After a hearing, Presidio School will inform parents in writing of its decision to amend an education record believed to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child (§300.569)(a).
- If Presidio School makes a decision not to amend an education record, the parents will be informed of their right to place in the record a statement commenting on the information or setting forth any reasons for disagreeing with the decisions of Presidio School (§300.569)(b). Presidio School will maintain the statement with the record or contested portion and if the records are disclosed, the explanation will also be disclosed (§300.569).

Records Safeguards

- Presidio School will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. (§300.572) (a).
- An official will be designated to ensure the confidentiality of any personally identifiable information (§300.572) (b).
- All persons collecting or using personally identifiable information will receive training or instruction regarding policies and procedures under §300.127 and §99.
- Presidio School will maintain a current list for public inspection of the names and positions of employees within Presidio School who may have access to personally identifiable information. (§300.572) (d).

Destruction of Information

- Presidio School will inform the parents when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child (§300.573)
- Presidio School will destroy the information at the request of the parent. However, permanent record of name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation (§300.573)

Children's Rights

- Children may be afforded the rights of privacy similar to those afforded to parents, taking into consideration the age of the student and type or severity of disability (§300.574).

- If the rights accorded to parents are transferred to a student with a disability who reaches the age of majority, the rights regarding educational records will be transferred to the student (§99) 5(a).
- In accordance with the Family Educational Rights and Privacy Act, the rights of parents regarding education records are transferred to the student at age eighteen (§300.574).

Disciplinary Information (§300.576)

- Presidio School will include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child.
 - The disciplinary information on students with disabilities will be transmitted to the same extent that the disciplinary information is transmitted on non-disabled students.
 - The disciplinary statement may include a description of any behavior engaged in by the student, description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals.
 - If a student transfers from one school to another, the transmission of any of the student's records will include the current IEP current evaluation and any statement of current or previous disciplinary action that has been taken against the student.
 - If a student transfers from one school to another, the transmission of any of the student's records to the receiving school will occur within the timeframe specified in State statutes and will not require the consent of the parent(s) (ARS 15-828(F-G)).

Free Appropriate Public Education -- FAPE (§300.300(a) and §300.121(e))

- Presidio School FAPE procedures include, but are not limited to the following:
 - FAPE will be made available to each child with disabilities who is in need of special education and related services even though the child is advancing from grade to grade, §§300.121 (a) and 300.121(e)(1).
 - Services in accordance with §300.121 will be made available for a child with a disability who has been removed from his or her current educational placement for disciplinary reasons for more than 10 school days.
 - FAPE will be made available to students who have graduated, but have not been awarded a regular high school diploma (§300.122).

Graduation

- Presidio School graduation procedures include, but are not limited to the following:
 - Presidio School will not be obligated to provide FAPE to students with disabilities who have graduated from high school with a regular high school diploma (§300.122(3) §300.543(c)).
 - Graduation from high school with a regular diploma will constitute a change in placement and requires prior written notice (§300.122) (3).

- A student with a disability will complete the requirements in accordance with the academic standards adopted by the State Board of Education in reading, writing and mathematics. (§ARS 15-701.01.B.)
- All students with disabilities will take Arizona's Measurement of Educational Readiness to Inform Teachers (AzMERIT) as according to their anticipated graduation date, which is determined at the time of enrollment in high school.
- Each student's IEP team will determine the graduation test criteria on the AzMERIT.

Private Schools

- Presidio School procedures include, but are not limited to the following:
 - Before Presidio School places a child with a disability, or refers a child with a disability to a private school or facility, Presidio School will initiate and conduct a meeting to develop an IEP/504 Plan in accordance with §§300.346 and 300.347.
 - Before any student is placed in any private school or other public facility, Presidio School will ensure a full continuum of alternative placements is available to meet the least restrictive environment (ARS 15-765).
 - After a child with a disability enters a private school or facility, any IEP meeting to review or revise the child's IEP may be initiated and conducted by the private school at the discretion of Presidio School.
 - A representative of the private school or facility will be invited to attend the IEP meeting. If the representative cannot attend, Presidio School will use other methods to ensure participation by the private school or facility (§300.349(b)).
 - If the private school or facility initiates and conducts IEP meetings, the private school will invite the parents and a Presidio School representative.
 - Presidio School may use whatever State, local, Federal and private sources of support are available in Arizona to meet the requirements, such as joint agreements between the agencies involved for sharing the cost of placement of a student in a private residential facility (§§300.301)
 - Disagreements about whether FAPE was made available to a child with a disability and the question of financial responsibility are subject to due process procedures of §§300.507-300.514.
 - If a court or hearing officer finds that Presidio School had not made FAPE available to the child in a timely manner prior to the parental enrollment in the private placement and orders Presidio School to reimburse the parents for the cost of that enrollment, Presidio School will comply.
 - No private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school (§300.454).

- No private school child with a disability is entitled to any service or to any amount of a service the child would receive if enrolled in a public school (§300.455(a)(3).
- Presidio School will spend the same proportion of Presidio School's total sub-grant under sections 611 and 619 as the number of private school children with disabilities residing in its jurisdiction is to the total number of children with disabilities in its jurisdiction
- If a child with a disability is enrolled in a religious or other private school and receiving special education or related services from Presidio School, Presidio School will:
 - initiate and conduct meetings to develop, review, and revise a service plan for the child, in accordance with §300.455(b);
 - invite a representative of the religious or other private school to attend each meeting; and
 - use other methods to ensure participation by the private school, including individual or conference telephone calls (§§300.454(c) and 300.403) if the representative cannot attend.
- Presidio School personnel providing services to private school children with disabilities will meet the same standards as personnel providing services in the public school (§300.455(a)(1)).
- Presidio School will annually consult with private and parochial schools within its jurisdiction to determine how to conduct the annual count of how many private and parochial students have been determined eligible to receive services as a child with a disability.
- Presidio School will locate, identify and evaluate all private school (including religious-school) children within the jurisdiction of Presidio School.
- The Child Find activities implemented for private schools children with disabilities will be comparable to activities undertaken for children with disabilities in the public school (§300.451).
- Presidio School may place equipment and supplies in a private school for a period of time for the program.
- Presidio School will be accountable for equipment and supplies placed in the private school and ensure that the equipment and supplies are used only for Part B purposes and can be removed from the private school without remodeling the private school facility.
- Presidio School may place a child with a disability in a public or private residential program to provide special education and related services.
- The placement will include non-medical care, room and board and placement will be at no cost to the parents' child (§300.302)

- Before any placement is made in a private residential facility, Presidio School will ensure that a full continuum of alternative placements is available and the placement is the least restrictive environment. (§ARS-15-765 (c).
- The IEP Team and other qualified professionals will:
 - review the existing data;
 - determine if additional data are needed,
 - determine eligibility or continued eligibility;
 - review and revise the IEP; and
 - includes exit criteria (ARS 15-765(G,K).
- A residential voucher application will be initiated in accordance with ARS 15-765 and ARS 15-1181.

IDEA Policies and Procedures: Identification, Evaluation, Implementation

Child Identification:

Step 1: Determining current or former special education status

- All students must complete the *Student Registration Form* (Form C) which requires the applicant to indicate whether or not the student is currently receiving or has ever received special education services and the subject areas in which services were received.
- A request is made to the previous school and/or district office for all IEP and evaluation information. (Form D)

Step 2: Locating students not previously identified

2-A: Birth to 5 Referral from Presidio School to AzEIP and/or District of Residence

- When Presidio School receives a statement of concern from a parent about the development of their child age birth to 2 years 10.5 months, the following process will take place within two (2) business days of the date of the parental referral.
 - Presidio School's Compliance Officer will submit an online referral at <https://des.az.gov/services/disabilities/developmental-infant> and print a copy for verification purposes
- When Presidio School receives a statement of concern from a parent about the development of their preschool aged child (ages of 2 years and 10.5 months to five), or a request for an evaluation, the following process will take place within two (2) business days of the date of the parental referral
 - Presidio School's Compliance Officer will use the referral form located on the AZ FIND website to refer the child to the district of residence.
- The date the AzEIP and/or the District of Residence receives the referral begins the timeline requirement for eligibility determination (45 calendar days to screen and 60 calendar days to evaluate).

2-B: 45-Day New Student Screening

- Presidio School will comply with Arizona Administrative Code (AAC) R7-2-401 (C) (2)(3) that requires that within 45 days of enrollment, a screening be conducted for each new student without the appropriate records of screening.
- When a new student is enrolled, the Registrar places the student's name and date of enrollment on a New Student Screening Report (Form E). These report forms are then forwarded to the Principal.
- The Principal will assign completion of the New Student Screening Report to one of the student's current teachers. The teacher has three weeks in which to complete the form and return it to the Principal. The Principal utilizes the 45-Day Screening Profile Sheet (Form F) to complete the screening procedure.

- A student whose New Student Screening Report indicates a lack of Critical categories requires no further follow-up and the form is forwarded to the Registrar to be placed in the student's permanent file.
- If a student has a grand total within the Critical range or one or more of the individual categories within the Critical range the Principal will have all of the student's teachers complete a New Student Screening Report on the student. The secondary reports are due within 1 week.
- The Principal averages the results from all of the instructors. A student with any averaged total within the Critical range requires individual follow-up by Special Education.
- Within 24 hours the Principal will assign the student to a special education teacher for evaluation or other appropriate services.
- Within seven (7) calendar days of the referral for evaluation, the special education teacher will send Prior Written Notice (Form G) and Procedural Safeguards Notice (Form H) to the parents/guardians in order to arrange a meeting to discuss the reasons for the referral for evaluation.
- If during the meeting it is determined that a full individual evaluation is needed, a Parental Consent Form (Form J) will be presented to the parents/guardians or eligible student for signature.
- Once the Parental Consent Form is signed, the parents/guardians will be given a copy of the school's Parents Rights And Responsibilities Concerning Evaluation and Placement (Form K).

2-C: Referral for Child Study

- Any *Presidio School* staff person, eligible student or parent/guardian may request that a student be evaluated for special education services by contacting the Principal and requesting a *Child Study Referral Form* (Form I).
- If the Child Study Team determines that a full individual evaluation needs to be conducted the Principal will assign the student to a special education teacher for evaluation or other appropriate services.
- The special education teacher will send *Prior Written Notice* (Form G) and *Procedural Safeguards Notice* (Form H) to the parents/guardians in order to arrange a meeting to discuss the reasons for the referral for evaluation.
- If during the meeting it is determined that a full evaluation is needed, a *Parental Consent Form* (Form J) will be presented to the parent/guardian for signature.
- Once the *Parental Consent Form* is signed, the parents/guardians will be given a copy of the school's *Parents Rights And Responsibilities Concerning Evaluation and Placement* (Form K).

Conducting an Initial Evaluation and Determining Eligibility

- *Presidio School* will conduct a comprehensive individual evaluation of the child's educational needs within 60 calendar days of the date of consent.

- When appropriate the school will draw upon the resources of the Arizona School for the Deaf and Blind (ASDB) Southeast Region Cooperative.
- The Principal will assign a special education teacher to oversee the evaluation. The Principal and the special education teacher will compile the evaluation data and present it in accordance with the *Comprehensive Evaluation Report-Annotated Outline* (Form L).
- Upon completion of the evaluation, the *multidisciplinary evaluation team (MET)* will meet and a determination of the student's eligibility will be made and the appropriate Multidisciplinary Evaluation Team (MET) Report (Forms M-1 through M-11) will be completed. The MET will consist of the Principal or Vice Principal, the previously assigned special education teacher, one of the student's regular education teachers and the student's parent/guardian or eligible student.
- A copy of the evaluation report and documentation of eligibility will be given to the parent/guardian or eligible student.
- Should the parent/guardian or eligible student refuse special education services, a *Refusal of Special Education Services Form* will be required. If the Team strongly disagrees with the parent/guardian and/or eligible student, the Team will present the information to the Board of Directors in order to make a decision as to whether legal action should be taken.
- Should the parent/guardian agree to special education services the procedure for initiating an IEP will be instituted and a meeting to develop the IEP will be held within 30 calendar days of the determination of need.

Developing the IEP

- Prior to the preparation of an IEP (Form O) *Presidio School* will provide a Meeting Notice and Procedural Safeguard Notice to the eligible student or the student's parent/guardian.
- An IEP meeting will be conducted for the purposes of developing an IEP that will address all required components as specified in Section 614 (d)(A).
- After the IEP is fully developed the MET will determine the Least Restrictive Environment and select a placement option in which to implement the IEP.

Implementing Initial Placement in Special Education

- Prior to placement of the student in special education the *Educational Placement Statement* (Form P) will be completed and Prior Written Notice and Procedural Safeguards will be given to the parent/guardian or eligible student.
- The IEP will be implemented as soon as possible and at a minimum within 15 calendar days of completion of the *Educational Placement Statement*.

Reviewing and Revising an IEP

- On an annual basis the special education teacher will send *Prior Written Notice* (Form G) and *Procedural Safeguards Notice* (Form H) to the parents/guardians in order to arrange a meeting to review and make any revisions necessary in the student's IEP.
- All components of the IEP will be reviewed and the IEP will be revised to address the student's current needs, anticipate student needs, reflect any lack of progress, and to reflect any reevaluation.
- At the request of the parent/guardian, eligible student or the special education teacher, more frequent reviews and revisions may take place.
- After the IEP is reviewed and revisions are completed, the Least Restrictive Environment will be determined and a placement option in which to implement the IEP will be selected.

Reviewing Existing Data

- The special education teacher will send *Prior Written Notice* and *Procedural Safeguards Notice* to the parents/guardians in order to arrange a meeting to review existing data.
- A review of existing evaluation data will be conducted utilizing (Form Q).
- If data is complete, a determination will be made about the continued category of eligibility and/or need for special education services.

Conducting Re-Evaluation and Determining Eligibility

- For students receiving special education and/or related services, a re-evaluation will be conducted every three years, or more frequently if conditions warrant.
- The special education teacher will send *Prior Written Notice* and *Procedural Safeguards Notice* to the parents/guardians in order to arrange a meeting to discuss the re-evaluation.
- If during the meeting it is determined that a re-evaluation is needed, a *Re-evaluation Plan* (Form R) and a *Parental Consent Form* will be presented to the parents/guardians or eligible student for signature.
- Once the *Parental Consent Form* is signed, the parents/guardians will be given a copy of the school's *Parents Rights And Responsibilities Concerning Evaluation and Placement*.
- An evaluation will be conducted to determine the continued category of eligibility and/or need for special education services.

Terminating Services

- The special education teacher will send *Prior Written Notice* and *Procedural Safeguards Notice* to the parents/guardians in order to arrange a meeting to discuss the termination of services.
- The IEP/504 Plan and any re-evaluation data will be considered in making a determination to terminate services.

- If during the meeting it is determined that services are no longer needed, a *Removal From Special Education Parental Consent Form* (Form S) will be presented to the parents/guardians or eligible student for signature.

IDEA Policies and Procedures: Procedural Checklists

Evaluation and Eligibility Determination Checklist

1. A full individual initial evaluation shall be conducted for each child before the initial provision of special education and related services to a child or youth with a disability §300.531.
 - a. to determine if the child is a “child with a disability” under (§300.7-§300.531 and ARS-15-761).
 - b. to determine the educational needs of the child.
2. Procedures shall be established for conducting evaluations in accordance with the requirements described in (§§300.532-300.536, ARS-15-766).
3. The child’s MET/IEP Team and other qualified professionals shall review existing evaluation data, and collect additional data, if necessary and use the results of the evaluation to determine category of eligibility and the need for special education and related services (§§300.7-300.534-300.535-ARS 15-761, ARS 15-766).
4. The MET/IEP/504 Plan team shall use the results of the evaluation to develop the initial IEP, create a 504 Plan, or to review and revise an existing IEP (§§300.340-300.350 and ARS 15-761).
5. A re-evaluation of each child shall be conducted every three years in accordance with §§300.532-300.534 and 300.536

Procedures for Initial Evaluation (§§ 300.531, 300.532)

1. Tests and other evaluation materials used to assess a child are:
 - a. selected and administered so as not to be discriminatory on a racial or cultural basis; and
 - b. provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.
2. Materials and procedures used to assess a child with limited English proficiency will be selected and administered to measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
3. A variety of assessment tools and strategies will be used to gather relevant functional and developmental information about the child, including information provided by the parent.
4. Information related to enabling the child to be involved in and progress in the general curriculum to participate in appropriate activities will be included.
5. The information gathered will assist in determining: whether the child is a child with a disability; and the development of the child’s IEP.
6. Any standardized tests that are given to a child will be
 - a. validated for the specific purpose for which they are used; and
 - b. administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.
7. If an assessment is not conducted under standard conditions, a description of the

extent to which it varied from standard conditions will be included in the evaluation report.

8. Tests and other evaluation materials will be selected to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
9. Tests will be selected and administered to a child with impaired sensory, manual, or speaking skills to accurately reflect the test results of the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
10. No single procedure will be used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
11. The child will be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities and the need for assistive technology.
12. The evaluation will be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
13. Technically sound instruments will be used that may assess the cognitive and behavioral factors, in addition to physical or developmental factors.
14. Assessment tools and strategies will be used to provide relevant information that directly assists persons in determining the educational needs of the child.

Re-evaluation (§§300.334, 300.536 , 300.543)

1. A re-evaluation will be conducted every three years **or** if conditions warrant a re-evaluation, if the child's parent or teacher requests a re-evaluation, or before determining that the child is no longer a child with a disability.
2. A re-evaluation will be not required before the termination of a student's eligibility due to graduation with a regular high school diploma, or when a student exceeds the age eligibility for FAPE under the State law

Determination of Needed Evaluation Data for Initial Evaluation and Re-evaluation (§§300.533 & ARS15-766)

1. The MET/IEP team and other qualified professionals, as appropriate, will review existing data on the child, including:
 - a. evaluations and information provided by the parents of the child
 - b. current classroom based assessments and observations; and
 - c. observations by teachers and related services providers.
2. On the basis of that review, and input from the child's parents, the MET/IEP team and

other qualified professionals will identify what additional data, if any, are needed to determine eligibility.

3. If the determination is that no additional data are needed:
 - a. The public Presidio School will notify the child's parents
 - i. of that determination and the reasons for it; and
 - ii. of the right of the parents to request an assessment to determine whether the child continues to be a child with a disability.
 - b. No assessment will be **required** unless requested by the child's parents to determine eligibility.
 - c. The MET/IEP team will provide a copy of the evaluation report and documentation of eligibility to the parents.
4. If additional data are needed:
 - a. The MET/IEP team will provide procedural safeguards notice, prior written notice, and obtain informed parent consent.
 - b. Presidio School will administer tests and other evaluation materials as may be needed to determine if the child is a child with a disability under §300.7 and ARS 15-761.

Determination of Eligibility (§§300.533 – 300.536 – 300.540 and ARS 15-761)

1. The MET/IEP team and other qualified professionals and the parents of the child will determine whether the child has a disability, or continues to be a child with a disability, as defined in §300.7, ARS 15-761.
2. Based on the review of data, and input from the child's parents and the MET/IEP team determines
 - a. if the child has a category of disability, or in the case of reevaluation, if the child continues to have a disability;
 - b. if the child needs special education and related services, or in the case of a reevaluation, if the child continues to need special education and related services; and
 - c. the present levels of performance and other educational needs of the child;
 - d. if any additions or modifications to the special education and related services will be needed to enable the child to meet the measurable annual goals established in the IEP and to participate in the general curriculum, as appropriate.
3. In interpreting evaluation data for the purpose of determining if, a child is a child with a disability the MET/IEP will draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and consider and document all information obtained from all of these sources.
4. A child may not be determined to be eligible
 - a. If the determinant factor for the eligibility determination is
 - i. lack of instruction in reading or math; or

- ii. limited English proficiency ; an
 - b. child does not otherwise meet the eligibility criteria under §§300.7-300.543 and ARS 15-761.
- 5. For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility will include:
 - a. whether the child has a specific learning disability;
 - b. the basis for making the determination;
 - c. the relevant behavior noted during the observation of the child;
 - d. the relationship of that behavior to the child's academic functioning;
 - e. the educationally relevant medical findings, if any;
 - f. whether there is severe discrepancy between achievement and ability that is not correctable without special education and related services; and
 - g. the determination of the team concerning the effects of environment, cultural or economic disadvantage.
 - h. each team member will certify in writing whether the report reflects his/her conclusion, if it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

Evaluation Report

1. The MET/IEP team and other qualified professionals including the parents of the child will determine whether the child is a child with a category of disability or, in the case of a reevaluation, if the child continues to be a child with a disability, as defined in §300.7 and ARS 15-761.
2. The evaluation report will include:
 - a. a review of current evaluations, including types of tests and results of those test
 - b. educational history including the reason for referral, current classroom-based assessments, and observations by teachers and related service providers
 - c. information provided by the parents, including medical and developmental history
 - d. determination of whether the child's educational problems are related to or resulting from a reason of educational disadvantage.
3. The MET/IEP team will provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.
4. The evaluation report will also include general information pertaining to:
 - a. whether the child has a category of disability or, in the case of reevaluation if the child continues to be a child with a category of disability
 - b. the present levels of performance and educational needs;
 - c. whether the child needs special education and related services or continues to need special education and related services.

- d. whether any additions and modifications to special education and related services needed to meet the measurable annual goals established in the IEP and to participate, as appropriate, in the general curriculum.

Individualized Education Programs (IEP) Checklist

1. An individualized education program (IEP) shall be in effect for each child with a disability at the beginning of each school year (§300.342).
2. Meetings shall be initiated and conducted for the purpose of developing, reviewing, and revising the IEP of a child with a disability (§§300.343-300.344;-300.346-300.349; and 300.311).
3. An IEP shall be developed and implemented for each eligible child served by Presidio School and each eligible child placed in or referred to a private school or facility by Presidio School (§§300.342-300.346;-300-347; and 300.349).
4. One or both parents of a child with a disability will be invited to each IEP meeting and will be afforded the opportunity to participate (§§300.344 and 300-344).

Procedures for Development and Implementation of an IEP

1. When IEP Must be in Effect (§300.342) and IEP Meetings (§300.343):
 - a. An IEP will be in effect before special education and related services are provided to an eligible child under §300.342.
 - b. The IEP will be implemented as soon as possible following the IEP meeting.
 - c. The child's IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.
2. Each teacher and provider will be informed of
 - a. his or her specific responsibilities related to implementing the child's IEP
 - b. the specific accommodations, modifications, and supports that will be provided for the child in accordance with the IEP (§300.342).
3. A meeting to develop an IEP for the child with a disability will be conducted within 30 days of a determination that the child needs special education and related services.
4. In the case of a child with a disability aged 3 through 5, an IFSP developed in accordance with §§ 300.341-300.346 and §§300.349-300.350 may serve as the IEP of the child if using an IFSP is agreed to by the agency and the child's parent.
5. The child's parents will be provided a detailed explanation of the differences between an IFSP and an IEP; and if the parents choose an IFSP, written informed consent is obtained from the parents.

Review and Revision of the IEPs (§300.343(c))

1. The IEP team will review the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved.
2. The IEP team will revise the IEP as appropriate to address

- a. any lack of expected progress toward the annual goals described in §300.347(a) and in the general curriculum;
- b. the results of any reevaluation conducted under §300.536;
- c. information about the child provided to, or by, the parents, as described in §300.533(a)(1);
- d. the child's anticipated needs; or
- e. other matters.

IEP Team (§300.344)

1. The IEP team for each child with a disability will include the parents of the child;
 - a. at least one general education teacher of the child (if the child is, or may be, participating in the regular education environment);
 - b. at least one special education teacher of the child, or if appropriate, at least one special education provider of the child;
 - c. a representative of Presidio School who:
 - i. is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities
 - ii. is knowledgeable about the general curriculum
 - iii. is knowledgeable about the availability of resources of Presidio School
 - d. an individual who can interpret the instructional implications of evaluation results;
 - e. 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
 - f. if appropriate, the child

Transition Service Participants (§300.344)

1. A child of any age may be invited to his or her IEP meeting if the purpose will be consideration of transition services needs or transition services (§300.347(b)(1-2))
 - a. If the student does not attend the IEP meeting, Presidio School will take other steps to ensure that the student's preferences and interests are considered.
2. In implementing the requirements of §300.347(b)(2)
 - a. Presidio School also will invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.
 - b. Presidio School will take other steps to obtain participation of the other agency in the planning of any transition services if an agency invited to send a representative to a meeting does not do so.

Parent/ Guardian Participation (§300.345)

1. Parents will be present or afforded the opportunity to participate in each IEP meeting. Efforts will include:

- a. notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. scheduling the meeting at a mutually agreed on time and place.
- 2. The meeting notice will:
 - a. indicate the, purpose, time, and location of the meeting and who will be in attendance; and
 - b. inform the parents of the provisions in §300.344(a)(6) and (c) relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child.
- 3. For a student with a disability beginning at age 14 (or younger, if appropriate) the notice will also:
 - a. indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b)(1); and
 - b. indicate that the agency will invite the student.
- 4. For a student with a disability beginning at age 16 (or younger, if appropriate) the notice will:
 - a. indicate that a purpose of the meeting is the consideration of needed transition services for the student required in (§300.347(b)(2));
 - b. indicate that the agency will invite the student; and
 - c. identify any other agency that will be invited to send a representative.
- 5. If neither parent can attend, Presidio School will use other methods to ensure parent participation, including individual or conference telephone calls.
- 6. A meeting may be conducted without a parent in attendance if Presidio School is unable to convince the parents that they should attend. In this case Presidio School will have a record of its attempts to arrange a mutually agreed on time and place, 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 visits made to the parent's home or place of employment and the results of those visits.
- 7. Presidio School will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
- 8. Presidio School will give the parent a copy of the child's IEP at no cost to the parent.

Development, Review, and Revision of IEP (§300.346)

- 1. In developing each child's IEP, the IEP team will consider:
 - a. the strengths of the child and the concerns of the parents for enhancing the education of their child;
 - b. the results of the initial or most recent evaluation of the child; and
 - c. as appropriate, the results of the child's performance on any general State or

district-wide assessment programs.

2. In consideration of special factors, the IEP team also will
 - a. in the case of a child whose behavior impedes his or her learning or that of others, consider strategies (including positive behavioral interventions, strategies, and supports) to address that behavior;
 - b. in the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
 - c. in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;
 - d. consider the communication needs of the child;
 - e. in the case of a child who is deaf or hard of hearing, consider:
 - i. the child's language and communication needs
 - ii. opportunities for direct communications with peers and professional personnel in the child's language and communication mode
 - iii. academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode
 1. consider whether the child requires assistive technology devices and services;
 2. if the IEP team, in considering the special factors, determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.
 - iv. The regular education teacher of a child with a disability, as a member of the IEP team, will to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of appropriate positive behavioral interventions and strategies for the child supplementary aids and services, program modifications, or supports for school personnel that will be provided for the child, consistent with §300.347(a)(3).

Content of IEP (§300.347)

1. The IEP for each child with a disability will include:
 - a. a statement of the child's present levels of educational performance, including:
 - i. how the child's disability affects the child's involvement and progress in the general curriculum
 - ii. for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities

- b. a statement of measurable annual goals (statement of amount of progress expected), including benchmarks (major milestones), or short term objectives (measurable intermediate steps), related to:
 - i. meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children),
 - ii. for preschool children, as appropriate, to enable the child to participate in appropriate activities;
 - iii. meeting each of the child's other educational needs that result from the child's disability
 - 1. a statement of the special education and related services to be provided;
 - 2. a statement of supplementary aids and services to be provided to the child or on behalf of the child (services provided to the parents or teachers of the child to help them more effectively work with the child):
 - a. statement of the program modifications or supports for school personnel that will be provided for the child
 - b. to advance appropriately toward attaining the annual goals
 - c. to be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities (LRE)
 - d. to be educated and participate with other children with disabilities and nondisabled children in extracurricular and other non academic activities (LRE);
 - e. an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities (LRE)
 - f. a statement of any individual accommodations and modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment (LRE)
 - g. if the IEP team determines that the child will *not* participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of
 - i. why that assessment is not appropriate for the child
 - ii. how the child will be assessed
 - h. the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications; and

- i. a statement of
 - i. how the child's progress toward the annual goals will be measured
 - ii. how the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of
 - 1. their child's progress toward the annual goals; and
 - 2. the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.
- 2. The IEP will include transition service planning as follows:
 - a. for each student with a disability beginning at age 14 (or younger), a statement of the transition service needs of the student that focus on the student's courses of study (such as participation in advanced-placement courses or a vocational education program)
 - b. the statement of transition service needs will be updated annually
 - c. for each student beginning at age 16 (or younger), a statement of needed transition services for the student
 - d. a statement of the interagency responsibilities or any needed linkages will be included, if appropriate.
- 3. Beginning at least one year before a student reaches the age of 18, the student's IEP will include a statement that the parents and the student have been informed of the rights, if any, that will transfer to the student on reaching the age of 18, consistent with §300.517.
- 4. If a participating agency, other than Presidio School, fails to provide the transition services described in the IEP, Presidio School will reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.
- 5. The IEP team may modify the IEP and placement of a student with a disability who is convicted as an adult under State law and incarcerated in an adult prison, if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated
- 6. The IEP for a child who requires residential placement will include exit criteria that indicate when the educational placement of the child will be reviewed to determine if the child can move to a less restrictive placement (ARS §15-765(k)).

IEP Accountability (§300.350)

- 1. Presidio School will provide special education and related services to a child with a disability in accordance with the child's IEP
- 2. Presidio School will make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

Least Restrictive Environment Checklist (LRE)

1. To the maximum extent appropriate, students with disabilities in public or private institutions or other care facilities are educated with students who are not disabled (§ 300.550).
2. Special classes, separate schooling, or other removal of students with disabilities from the regular environment occurs only when the nature or severity of the disability is such that education in regular classes, even with the use of supplementary aids and services cannot be achieved satisfactorily (§300.550 and AAC R7-401).

Supplementary Aids and Services

1. Used in this section means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable the children with disabilities to be educated with non-disabled children to the maximum extent appropriate in accordance with §§300.550-30.554.
 - a. Procedures include, but are not limited to:
 - i. Continuum of educational placements (§§300.551)
 - ii. A continuum of alternative placements for K-12 special education and related services will include:
 1. regular classes with supplementary aids and services
 2. regular classes with resource or itinerant support
 3. special classes
 4. special schools
 5. home instruction
 6. instruction in hospitals, and
 7. instruction in institutions
 - iii. A continuum of alternative placements for preschool special education will include:
 1. early childhood setting
 2. early childhood special education setting
 3. home
 4. part-time early childhood/part-time early childhood special education
 5. residential facility
 6. separate school
 7. itinerant service outside of the home (optional)
 8. reverse mainstream setting (optional)

Placement of a Child with a Disability (§§300.552 and AAC R7-2-401 (G))

1. Special education placement decision for a child with a disability, including a preschool child with a disability, will be made by a group of persons that includes:
 - a. the parent(s)
 - b. persons who are knowledgeable about the child

- c. persons who are knowledgeable of evaluation data, and
 - d. persons who are knowledgeable of placement options.
- 2. Special education placements will
 - a. be determined at least annually
 - b. be based on the child's IEP, and
 - c. be as close as possible to the child's home.
- 3. The child will be educated in the school that he or she would attend if not disabled unless the IEP requires some other arrangement.
- 4. Presidio School will document consideration of any potential harmful effects of the placement on the child or the quality of services.
- 5. A child with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Non-academic Settings and Services (§§300.553-300.306)

- 1. Children with disabilities will participate with non-disabled children in non-academic and extracurricular services and activities which may include meals, recess periods, and the services and activities to the maximum extent appropriate to the needs of that child.
- 2. The children with disabilities will have available to them the variety of educational programs and services available to non-disabled children in the areas served by Presidio School in nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities (§ 300.305).
- 3. Students with disabilities will participate with non-disabled students in non-academic and extracurricular services and activities which may include: counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Presidio School, referrals to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by Presidio School and assistance in making outside employment available.

Procedural Safeguards Checklist

- 1. Presidio School ensures that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education (§300.500 a).
- 2. The parents of a child with a disability shall be given the opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child (§300.501 (a)(1)).
- 3. Presidio School ensures that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child (§300.501(c)).
- 4. The parents of a child with a disability have the right to obtain an independent educational evaluation of their child (§300.502(a)(1)).

5. A copy of the procedural safeguards notice shall be given to the parent, at a minimum, upon initial referral for evaluation, each notification of an IEP meeting, reevaluation of the child, and receipt of a request for due process under (§§300.507.300, 300.504(a).
6. Parental consent shall be obtained if after a review of existing information, additional data are needed for an initial evaluation or reevaluation, and before initial provision of special education and related services (§300.505(a)(1).
7. A parent or a public agency may initiate a due process hearing on any of the matters described in §300.503(a)(1) and relating to the identification, evaluation, educational placement of a child with a disability, and provision of FAPE (§300.507(a)(2).
8. Presidio School ensures that the rights of a child are protected by the assignment of an individual to act as a surrogate for the parents if:
 - a. no parent (as defined in §300.20) can be identified
 - b. Presidio School, after reasonable efforts, cannot discover the whereabouts of a parent, after having made three documented and reasonable attempts.
 - c. the child is a ward of the State under the laws of the State (§§300.515(a); ARS 15-763.01).

Definitions

1. "Consent" means:
 - a. the parent is fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication
 - b. The parent understands and agrees in writing to the activity for which consent is sought
 - c. the consent describes the activity
 - d. the consent lists the records (if any) that will be released and to whom
 - e. the parent understands that the consent is voluntary and may be revoked at any time
 - f. if a parent revokes consent, that the revocation is not retroactive, meaning that the revocation does not negate an action that has occurred after the consent was given and before the consent was revoked (§300.500(b)(1)
 - g. Parental consent for initial evaluation will not be construed as consent for initial placement (§300.505(2).
2. "Evaluation" means:
 - a. procedures used in accordance with §§300.530-300.536 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs (§ 300.500(b).
3. "Personally identifiable" means that the information includes:
 - a. the name of the child, the child's parent, or other family member
 - b. the address of the child
 - c. a personal identifier, such as the child's social security number or student number

- d. a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty. (§300.500(b)(3).
- 4. “Independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by Presidio School responsible for the education of the child (§300.502(a)(3).
- 5. “Public expense” means that Presidio School either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with FAPE (§§ 300.502(a)(3) and 300.301).

Procedures include, but are not limited to:

Parent Participation in Meetings (§§300.345 and 300.501)

- 1. Presidio School will take steps to ensure that one or both of the parents are present at each meeting or are given the opportunity to participate by
 - a. notifying parents of the meeting early enough to ensure that they will have an opportunity to attend, and
 - b. scheduling the meeting at a mutually agreed time and place (§300.345(a).
- 2. The meeting notice will:
 - a. indicate the purpose, time, and location of the meeting
 - b. indicate who will be in attendance
 - c. inform the parents of the provisions in §300.344(a)(c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child) (§300.345(b)(1)(2).

Parent Involvement in Placement Decisions (§300.501)

- 1. Presidio School will make reasonable efforts to ensure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English (§300.501(c)(5).
 - a. If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, Presidio School will use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. (§300.501(c)(3)
 - b. If Presidio School is unable to obtain the parent’s participation in the placement decision, Presidio School will have a record of its attempt to ensure their involvement. (§§300.345(d) and 300.501(c)(4).

Independent Educational Evaluation (§300.501)

- 1. If a parent requests an independent educational evaluation at public expense, Presidio School will, without unnecessary delay, **either**
 - a. initiate a due process hearing under 300.507 to show that the agency’s evaluation is appropriate, **or**
 - b. ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a due process hearing under

- 300.507 that the evaluation obtained by the parent did not meet agency criteria. §300.502(b)(2)(i and ii).
2. Upon request for an independent educational evaluation, Presidio School will provide to parents:
 - a. information about where an independent educational evaluation may be obtained
 - b. the agency criteria (§300.502(a)(2).
 3. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation
 - a. will be considered by Presidio School in any decision made with respect to the provision of FAPE to the child.
 - b. may be presented as evidence at a hearing regarding the child (§300.502(c)(1 and 2).
 4. Cost of the independent educational evaluation will be at public expense if requested by a hearing officer (§300.502(d)

Agency criteria (§300.502)

1. If an independent educational evaluation is at public expense:
 - a. the criteria under which the evaluation is obtained will be the same as the criteria Presidio School uses when it initiates an evaluation, including the location of the evaluation and the qualifications of the examiner.
 - b. the criteria will be consistent with the parent's right to an independent educational evaluation (§300.502(e)(1)
 - c. the agency may establish a range of payment for independent educational evaluations.
2. Presidio School will not impose other conditions or timelines related to obtaining an independent educational evaluation at public expense (§300.502(e)(2).

Prior notice by Presidio School (§300.503)

1. Prior written notice will be given to parents a reasonable time before Presidio School **proposes or refuses** to initiate or change the:
 - a. identification
 - b. evaluation
 - c. educational placement of a child with a disability
 - d. provision of FAPE. (§300.503(a)(1)
2. Prior written notice will be given to the parent at the same time Presidio School requests parent consent, if the prior written notice relates to an action proposed by the agency that also requires parental consent (§300.503(a)(2).
3. The content of the prior written notice will contain:
 - a. a description of the action proposed or refused by the agency

- b. an explanation of why the agency proposes or refuses to take the action
a description of any other options that the agency considered and the reasons why those options were rejected
 - c. a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action
 - d. a description of any other factors that are relevant to the agency's proposal or refusal
 - e. a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained
 - f. sources for parents to contact to obtain assistance in understanding these provisions (§300.503(b)(1-7).
4. The prior written notice will be written in language understandable to the general public (§300.503(c)(1)(i).
 5. The prior written notice will be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so (§300.503(c)(1)(ii).
 6. If the native language or other mode of communication of the parent is not a written language, Presidio School will take steps to ensure:
 - a. that the prior written notice is translated orally or by other means to the parent in his or her native language or other mode of communication
 - b. that the parent understands the content of the prior written notice
 - c. that there is written evidence that the requirements of (a) and (b) have been met (§300.503(c)(2)(i-iii).

Procedural Safeguards Notice (300.504)

1. A copy of the procedural safeguards notice will be given to the parent, at a minimum
 - a. upon initial referral for evaluation
 - b. upon each notification of an IEP meeting
 - c. upon reevaluation of the child
 - d. upon each Manifestation Hearing
 - e. upon receipt of a request for due process under §300.507 and 300.504(a)(1-4)
2. The procedural safeguards notice will include a full explanation of all of the procedural safeguards available under the law, relating to
 - a. independent educational evaluation
 - b. prior written notice
 - c. parental consent
 - d. access to educational records
 - e. opportunity to present complaints to initiate due process hearings
 - f. the child's placement during pendency of due process proceedings

- g. procedures for students who are subject to placement in an interim alternative educational setting
 - h. requirements for unilateral placement by parents of children in private schools at public expense
 - i. mediation
 - j. due process hearings, including requirements for disclosure of evaluation results and recommendations
 - k. State-level appeals (if applicable)
 - l. civil actions
 - m. attorneys' fees
 - n. the State complaint procedures under 300.660-300.662, including a description of how to file a complaint and the timelines under those procedures (§300.504(b)(1-14))
3. The procedural safeguards notice will be written in language understandable to the general public (§300.504(c)).
 4. The procedural safeguards notice will be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so (§300.504(c)).
 5. If the native language or other mode of communication of the parent is not a written language, Presidio School will take steps to ensure:
 - a. that the procedural safeguards notice is translated orally or by other means to the parent in his or her native language or other mode of communication
 - b. that the parent understands the content of the procedural safeguards notice
 - c. that there is written evidence that the requirements of (a) and (b) have been met (§300.504(c)).

Parental Consent (§300.505)

1. Parental consent will be obtained if, after a review of existing data, additional data is needed for an initial evaluation or reevaluation, and before initial provision of special education and related services (§300.505(a)(1)).
2. If the parents refuse consent for initial evaluation or reevaluation, the agency may pursue those evaluations by using:
 - a. due process procedures under §§300.507 and 300.509
 - b. mediation procedures under §§300.506 and 300.505(b)
3. Informed parental consent need **not** be obtained for the gathering of additional data for reevaluation if Presidio School can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent has failed to respond (§300.505(c)).
4. The reasonable measures taken by Presidio School to obtain informed parental consent for a reevaluation will 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
 - c. detailed records of visits made to the parent's home or place of employment and the results of those visits (§300.505(c)(2).
- 5. A public agency will not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of Presidio School, except as required by this part (§300.505(e).

Mediation Requirements (§300.506)

- 1. Presidio School will ensure that the mediation process
 - a. is voluntary on the part of the parties;
 - b. is not used to deny or delay a parent's right to a due process hearing under §300.507, or to deny any other rights afforded under Part B of the Act;
 - c. is conducted by a qualified and impartial mediator who is trained in effective mediation techniques (§300.506(b)(1)(i-ii)
- 2. Either Presidio School or parents may contact the Arizona Department of Education/Exceptional Student Services to request mediation
- 3. Discussions that occur during the mediation process will be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings (§300.506(b)(6)
- 4. The parties to the mediation process may request a confidentiality pledge prior to the commencement of the process (§300.506(b)(6).

Impartial Due Process Hearing; Parent Notice (§§300.507 and AAC R7-2-405)

- 1. When a due process hearing is initiated under 300.503 (a)(1), Presidio School will inform the parents of the availability of mediation described in (§§300.506 and 300.507(a)(2).
- 2. Presidio School will inform the parent of any free or low-cost legal and other relevant services available in the area if:
 - a. the parent requests the information;
 - b. the parent or the agency initiates a due process hearing under this section (§300.507(a)(3)(i and ii).
- 3. Presidio School will notify the Arizona Department of Education/Exceptional Student Services when a written request for due process is received (§AAC R7-2-405).
- 4. The due process hearing will be conducted by Presidio School directly responsible for the education of the child. 300.507(b).
- 5. At least 5 business days prior to a due process hearing conducted pursuant to this section, Presidio School will disclose to all parties:
 - a. all evaluations completed by that date
 - b. recommendations based on the offering party's evaluations that the party intends to use at the hearing (§300.509(b)(1)
- 6. Parents involved in due process hearings have the right to:
 - a. have the child who is the subject of the hearing present

- b. open the hearing to the public (§300.509(c)(1)(i and ii)
- 7. The record of the due process hearing and the findings of fact and decisions will be provided at no cost to parents (§300.509(c)(2).

Finality of Decision: Appeal; Impartial Review (§300.510)

- 1. A decision made in a due process hearing conducted pursuant to §300.507 or §§300.520-300.528 is final, except that any party involved in the hearing may appeal the decision under the provisions of §§300.510 - 300.512 and 300.510(a).
- 2. The decision made by the reviewing official is final unless a party brings a civil action under §§300.512.and 300.510(d).

Timelines and Convenience of Hearings and Reviews (§300.511)

- 1. Presidio School will ensure that not later than 45 days after the receipt of a request for a due process hearing:
 - a. a final decision will be reached in the hearing, unless the hearing officer grants specific extensions of time
 - b. a copy of the decision will be mailed to each of the parties. 300.511(a)(1 and 2)
- 2. Each due process hearing and each impartial review involving oral arguments will be conducted at a time and place that is reasonably convenient to the parents and child involved (§300.511(d).

Attorneys' Fees (§300.513)

- 1. The procedural safeguards notice will include a full explanation of all of the procedural safeguards relating to attorneys' fees (§300.504(b)(13).
- 2. Funds under Part B of the Act will not be used to pay attorneys' fees or costs of a party related to an action or proceeding under section 615 of the Act and subpart E (§300.513(b)(1).

Child's Status During Proceedings (§300.514)

- 1. Except as provided in §300.526, during the pendency of any administrative or judicial proceeding regarding a due process complaint under §300.507, unless the State or local agency and the parents of the child agree otherwise, the child involved in the due process complaint will remain in his or her current educational placement §300.514(a).
- 2. If the due process complaint involves an application for initial admission to public school, the child, with the consent of the parents, will be placed in the public school until the completion of all the proceedings (§300.514(b).
- 3. If the decision of a hearing officer in a due process hearing conducted by the SEA or a State review official in an administrative appeal agrees with the child's parents that a change of placement is appropriate, that placement will be treated as an agreement between the State or local agency and the parents for purposes of §§300.514(a) and 300.514(c).

Surrogate Parents; and, (§ARS 15.763.01) Surrogate Parent: Appointment §300.515)

1. It is the duty of a public agency to assign an individual to act as a surrogate for the parents. This will include a method:
 - a. for determining whether a child needs a surrogate parent
 - b. for assigning a surrogate parent to the child (§300.515(b)(1 and 2).
2. A petition for the appointment of a surrogate parent will be made to a court of competent jurisdiction (§ARS 15-763.01(A).
3. Except as provided in §300.515(c)(3), public agencies will ensure that a person selected as a surrogate:
 - a. is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child
 - b. has no interest that conflicts with the interest of the child he or she represents
 - c. has knowledge and skills that ensure adequate representation of the child (§§300.515(c)(2)(i-iii) and ARS 15-763.01(B).
4. The surrogate may represent the child in all matters relating to the:
 - a. identification
 - b. evaluation
 - c. educational placement of a child with a disability
 - d. provision of FAPE (§300.515(e)(1 and 2)

Transfer of Parental Rights at Age of Majority (§300.517)

1. When a student with a disability reaches the age of majority (except for a student with a disability that has been determined to be incompetent under State law)
2. Presidio School will provide any notice required by this part to both the individual and the parents
3. All other rights accorded to parents under Part B of the Act transfer to the student (§300.517(a)(1)(i and ii)

Extended School Year (ESY) Services Checklist

Policy assures that:

1. Extended school year services shall be available as necessary, to provide FAPE to a child with a disability (§300.309).
2. Extended school year services shall be provided in accordance with §§300.340-300.350, ARS 15-881.
3. Extended school year services shall be provided only if a child's IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child with a disability (§§300.309, 300.342-300.346).
4. Procedures shall be established to implement ESY services for children with disabilities aged 3 through 21 (ARS 15-881, §§300.309, 300.340-300.340).

Definitions

1. As used in this section, the term extended school year services means special education and related services that: are provided to a child with a disability:
 - a. beyond the normal school year of the public agency;
 - b. in accordance with the child's IEP; and
 - c. at no cost to the parents of the child with a disability.
2. As used in this section, recoupment means the amount of time required to re-learn skills included in the child's IEP following an extended break in instruction.
3. The term regression means the reversion to a lower level of functioning in skills or behavior specified in the child's IEP, which results from an extended break in instruction,
4. The term critical learning stage means a developmental period in which a child has mastered a concept or skill in one setting and is ready to generalize what has been learned so that it can be applied in other situations. A critical learning stage exists if the child is unlikely to retain the concept or skill, in order to generalize what has been learned to other situations.

Procedures for Determination of ESY Services (§§ARS 15-881 AND 300.309) include, but are not limited to:

1. ESY services will be provided to prevent irreparable harm to the pupil's ability to maintain identified skills or behavior.
2. When the child is in a "critical learning period" of development and when there is a "window of opportunity" that will be lost if services are not provided.
3. The IEP team will determine, on an individual basis, the services that are necessary to provide FAPE to the child with a disability. When ESY services will significantly enhance the child's ability to function independently.
4. ESY services will not be limited to particular categories of disability
5. ESY services will not unilaterally be limited to the type, amount or duration of those services.
6. ESY services will not be required for all children with disabilities
7. ESY services will not be based on need or desire for any of the following:
 - a. a day care or respite care service for children with disabilities.
 - b. a program to maximize the academic potential of a child with a disability
 - c. a summer recreation program for children with disabilities.

Criteria for Determination of Eligibility for ESY Services include:

1. Regression-recoupment factors;
2. Critical learning stages;
3. Least restrictive environment considerations;
4. Teacher and parent interviews and recommendations;
5. Database observations of the pupil;
6. Considerations of the child's previous history; and Parental skills and abilities.

Methods to Measure Regression and Recoupment include:

1. Use a variety of types of measurement and strategies for assessing skills, abilities and behaviors.
2. A collection of data:
 - a. at the end of instruction;
 - b. at the beginning of subsequent instruction; and
 - c. at the time of recoupment.
3. Any loss or reduction from the end of instruction to the beginning of subsequent instruction will be a measure of regression data.
4. Any measurement from the beginning of the subsequent instruction to the time of recoupment will measure the recoupment data.

For Children with Disabilities who are Eligible for ESY

The IEP Team will:

- Identify goals/benchmarks/short term objectives;
- Identify special education and related services needed;
- Must determine the initiation, location, frequency and duration of services; and
- Establish a date to review and document services.

Section 504 Policies and Procedures: General Provisions

Presidio School complies with Section 504 of the Rehabilitation Act of 1973 by identifying, evaluating, and accommodating students with disabilities.

Section 504 of the Rehabilitation Act of 1973

Section 504 is a civil rights statute, intended to eliminate obstacles to full educational participation by students with disabilities. The goal of Section 504 is the equal educational opportunity for all students.

Section 504 requires that no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance [20 U.S.C. 794(a)].

Definitions

- Eligible Student: student must be between the ages of three (3) and twenty-one (21) years of age and meet the definition of handicapped. A student is handicapped if he/she:
 - has a physical or mental impairment that substantially limits one or more major life activities
 - has a record of such impairment, or
 - is regarded as having such an impairment. [34 CFR 104.3(j)]
- Physical or Mental Impairment:
 - a physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genitourinary; hemic and lymphatic; skin and endocrine; or
 - any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. [34 CFR 104.3(i)]
- Substantially Limits: Section 504 regulations do not define the term “substantially limits,” but do state that the determination must be made on an individual basis. Title II of the Americans with Disabilities Act provides three factors to characterize the term substantially limits:
 - Nature and severity of the impairment
 - Duration or expected duration of the impairment
 - Permanent, long-term impact or expected impact of the impairment
 - The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating

measures. These include medication, medical supplies, equipment or appliances, low-vision devices, prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies.

- The use of assistive technology, reasonable accommodations, auxiliary aids or services, or learned behavioral or adaptive neurological modifications cannot be considered. Ordinary eyeglasses and contact lenses are not included in this provision. [ADA II-2.4000]
- **Major Life Activity**: functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.
 - Major life activities can also include major bodily functions such as immune system function, bowel function, neurological function, circulatory function, normal cell growth, bladder function, respiratory function, endocrine function, digestive function, brain function, and reproductive function. [34 CFR 104.3(ii)]
 - It is important to note that this is not an exhaustive list of all potential major life activities.
- **504 Multidisciplinary Team**: Evaluations are completed by a group of people, and will include the following: persons knowledgeable about the student, persons knowledgeable about the placement options, and persons able to interpret the meaning of evaluation data. [34 CFR 1404.35(c)].

Procedural Safeguards

- The parent/guardian shall be notified in writing of any school decision concerning the identification, evaluation, placement, and discipline of a student. The notice will include information regarding the parent/guardian's right to be notified of actions regarding the student's identification, evaluation, discipline, and placement, right to examine relevant records, and right to request an impartial hearing.
- The parent/guardian shall have the right to examine the student's records.
- Parents/guardians who disagree with the identification, evaluation or placement of a student with disabilities, and/or disciplinary measures shall have the right to request an impartial due-process hearing.
 - The request for a hearing shall be made in writing, within thirty days of receipt of the 504 Multidisciplinary Teams determination.
 - The request shall state the reasons the hearing is being requested and be sent to the Section 504 Compliance Officer.
 - The parent/guardian shall have an opportunity to participate and be represented by counsel at the due process hearing. If an impartial due-process hearing is to be held under the Individuals with Disabilities Education Act (IDEA) concerning issues relevant to the Section 504 proceeding, a hearing officer qualified to conduct IDEA proceedings may consider Section 504 issues at the

impartial hearing. The issues under IDEA and Section 504 shall be separately addressed in the hearing decision.

- If the school or parent/guardian disagrees with the Hearing Officer's decision, the school or parent/guardian may seek a review of the decision from an impartial entity (e.g. Special Education attorney) to ensure the Hearing Officer's decision is in compliance with Section 504 regulations. The school will assume responsibility for any costs associated with said review.

Section 504 Policies and Procedures: Identification, Location, and Evaluation

Referrals

Any parent, guardian, teacher, counselor, or other school staff member who believes a student may need accommodations for a qualified mental or physical impairment can request an evaluation for 504 eligibility. Presidio will obtain parental consent before conducting an evaluation.

Eligibility Determination Process

The decision to qualify a student for 504 services is made by a multidisciplinary team, including individuals knowledgeable about the student and the placement options. This team may include parents, guardians, teachers, school psychologists, administrators, and others as determined by the referral for eligibility consideration. The family may also invite any relevant outside person(s).

In addition to the information provided by the parents, the following information may be reviewed at the meeting:

- Standardized achievement tests
- Medical information including hearing, vision, medications, and any relevant developmental history
- Academic grades and transcripts
- Primary language (home and student)
- Discipline records
- Attendance
- School history
- Teacher reports/observations
- Tests and other evaluation materials will be validated for the specific purpose for which they are used

Evaluations under Section 504 are not limited to formal evaluation instruments. Because the disabilities that may fall under Section 504 are broader than the specific disabilities listed in IDEA, evaluative information for a student may come from a number of sources, including aptitude and achievement tests, teacher recommendations, the students physical condition, the students social or cultural background, or the students adaptive behavior.

Evaluations are completed by a group of people, and will include the following: persons knowledgeable about the student, persons knowledgeable about the placement options, and persons able to interpret the meaning of evaluation data. [34 CFR 1404.35(c)].

After reviewing the relevant information, the team will determine whether the student is a student with a disability that significantly impacts a major life activity. In order to be eligible to receive legal protections under Section 504, the student's ability to perform **a major life activity must be substantially limited and the definition of substantially limited must be more broadly construed and generally applied than severely restricted**. The purpose of Section 504, as stated by Congress, is to provide broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act. Notwithstanding, the fact that a student has a diagnosed physical or mental impairment does not automatically mean s/he will qualify for an accommodation plan under Section 504.

If the team determines that the student is eligible for Section 504 protections, the team will develop a 504 Plan.

Section 504 Policies and Procedures: 504 Plan Development and Implementation

504 Plans

The 504 Multidisciplinary Team determines what accommodations are needed to achieve equality/comparability of access to educational activities for the student with a disability. In addition to the normal and usual academic and school activities, students must also be given the opportunity to participate in non-academic and extracurricular services and activities, including, but not limited to recreational and athletic activities, and school-sponsored clubs, events and activities. Participation in such non-academic activities may require accommodations. 34 CFR 104.34(b)] All accommodations for the student are documented in the 504 Plan.

Implementation

All faculty and staff who work with the student will have access to a copy of the student's 504 Plan and should also be thoroughly familiar with any accommodations that the student requires to receive an appropriate education. Faculty and staff shall implement the 504 Plan fully and in a timely manner in alignment with the plan's initiation date.

504 Plan Review

On a periodic basis, the team will reconvene to review the plan. At the meeting, the following questions will be asked:

- Is the student still eligible for a 504 plan?
- Is there new information that needs to be considered?
- Are the current accommodations working?
- Do any changes need to be made to the plan?

Based on the answers to the above questions, the team may decide to continue the same 504 plan, make changes to the plan, or discontinue the plan because the student is no longer eligible.

In addition to periodic 504 Plan reviews, the student's 504 Plan will be reviewed and addressed during the development of any academic or behavioral plans.

Re-evaluation

Before any significant change in placement, including long-term suspensions and expulsions, a reevaluation must be completed along with notice to parents. A reevaluation of the student's disability status must also be conducted every three years or more often and/or staff or parents/guardians may request reevaluation, if needed.

IDEA and Section 504 Discipline Procedures

Some disciplinary procedures which apply to students with disabilities under IDEA also apply to students under Section 504. A Manifestation Hearing must take place before a student has been subjected to a disciplinary significant change in placement – for example, suspension for more than 10 school days, either cumulatively or consecutively during a school year.

In the Manifestation Hearing, the Multidisciplinary Evaluation Team will review all relevant information, then determine whether the behavior in question was:

1. caused by or directly and substantially related to the student's disability or disabilities; and/or
2. the direct result of Presidio School's failure to implement the student's IEP or 504 Plan.

If the team determines that the conduct was a manifestation of the student's disability, the team must either:

1. conduct a Functional Behavioral Assessment (FBA), unless one had been conducted prior to the behavior that resulted in the change of placement occurred, and implement a Behavioral Intervention Plan (BIP) for the student; or
2. if a BIP already had been developed, review the BIP and modify it as necessary to address the behavior.

The team also must return the child to the placement from which the child was removed unless the team agrees to a change of placement. If the behavior in question was the direct result of Presidio School's failure to implement the IEP or 504 Plan, Presidio must take immediate steps to remedy those deficiencies. Such steps could include meeting with each teacher and other service provider of the student to review their specific responsibilities related to implementing the student's IEP or 504 Plan, verifying that the specific accommodations, modifications, and supports required for the student, or on behalf of the student, are in place, and determining any compensatory services necessary to address Presidio's failure to follow the student's IEP or 504 Plan.

For disciplinary changes in placement that would exceed 10 consecutive school days are determined not to be a manifestation of the student's disability, the Multidisciplinary Evaluation Team may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities (34 C.F.R. § 300.530(c)). However, a student with a disability who is removed from his/her current placement when the conduct in question is determined not to be a manifestation of the student's disability must continue to receive educational services as provided in 34 C.F.R. § 300.101(a), so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. Further, the student must receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. 34 C.F.R. § 300.530(d)(1). While in some instances the conduct in question may not have a direct and substantial relationship to the student's

disability, the student may benefit from an FBA and additional behavioral support to address the underlying behavior.

Presidio may discipline a student with a disability under Section 504 who is currently using illegal drugs or alcohol to the same extent as action taken against non-disabled students. In such cases, Section 504 due process procedures, namely evaluation and manifestation determination, are not required. Special procedures also apply in the discipline of students with disabilities for possession of weapons. (See Presidio Student Handbook-Presidio School Code of Conduct-Definitions for a definition of “weapons”).

When the disciplinary measures constitute a change of placement (i.e.: more than 10 school days of removal, either consecutively or cumulatively, in one school year, long-term suspension, or expulsion), whether or not a manifestation determination is conducted, the Multidisciplinary Team is required to conduct an evaluation of the student’s needs and the appropriateness of the student’s current 504 Plan. In most cases, this will be accomplished by the plan review process described above in this section. Students with disabilities under Section 504 who have been expelled do not have to be provided with educational services following expulsion and there is no “stay put” requirement under Section 504.

Complaints

Presidio School does not discriminate on the basis of disability. Presidio will investigate complaints and provide for prompt and equitable resolution of complaints that allege any action prohibited by IDEA or Section 504 of the Rehabilitation Act of 1973. The 504 Coordinator will receive written complaints from parents. If school staff or administrators who learn of complaints in other forms, including but not limited to verbal, phone message, or email, they shall notify the 504 Coordinator without delay. Once a complaint has been received, the 504 Coordinator and 504 Compliance Officer will study the complaint, conduct an investigation, determine a prompt and equitable resolution, and notify all parties of findings and any necessary correction action.

Examination of Records

Parents/guardians have the right to examine all educational records of the student, including Exceptional Education related documents (evaluations, IEPs, METs, 504 Plans). In general, only those with a legitimate educational interest, or need to know, have access to confidential information concerning the students disability and education.

Due Process

IDEA and Section 504 requires that school districts have a procedure for conducting impartial due process hearings with the opportunity for participation by the student’s parents/guardians and representation by counsel. Either the parent or the school district may request a hearing.

A due process hearing is a legal procedure, which is conducted by an Impartial Hearing Officer (IHO).

Parents requesting a hearing should submit a written request to the 504 Coordinator and include the following information:

- The name of the student and the person making the request;
- The address of the residence of the student;
- The name of the school that the student is attending;
- 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 student, and the name of the school that the student is attending;
- A description of the nature of the problem relating to alleged discrimination under Section 504, including facts relating to the problem;
- A proposed resolution of the problem to the extent known and available to the party at the time;
- A suitable time for the hearing;
- Two possible dates for the hearing; and
- Indication of whether the hearing will be closed or open to the public.

The Impartial Hearing Officer must conduct the due process hearing and render a decision no more than 45 days from the date that the school district received the parents request for the hearing. The Impartial Hearing Officer may grant a continuance at the request of one of the parties, if the both parties agree.

During The Hearing

- Parents and the school district may be represented by legal counsel. Alternatively, parents or the school district may be represented by another professional who may be knowledgeable about the student (if allowed by the Impartial Hearing Officer).
- The school district and the parents may present evidence and question and cross-examine witnesses who know about the student's disability.
- The student may be present at the hearing.
- After the Impartial Hearing Officer has heard the case, s/he will give a written decision.
- The Impartial Hearing Officer is impartial and is not an employee of any school district. S/he will be well trained and understand what the law requires for children with special needs.

After The Hearing

- The parents will, upon request, receive an audio recording of all that was said at the hearing at no cost to them.
- A copy of the Impartial Hearing Officers decision will be given to both the school district and the parents. The Impartial Hearing Officer must render a decision within 45 days after the school district's receipt of the request for an IDEA or Section 504 Due

Process Hearing. This can only be delayed if the school district and the parents agree to the delay or the Impartial Hearing Officer has granted a continuance at the request of one of the parties.