

## STUDENT SERVICES: FEDERAL & STATE REQUIREMENTS

This supervisory union/town school district, which receives state and federal funds for special education, adheres to the following policies:

- A. LEAP (Local Education Agency Plan)
- B. LRE (Least Restrictive Environment)
- C. FAPE (Free Appropriate Public Education)
- D. Child Find
- E. Child Count
- F. IEP (Individualized Education Plan)
- G. Initial and Reevaluation for Special Education Eligibility
- H. Equal Educational Opportunities
- I. Procedural Safeguards/Parental Rights  
(Addendum #1) Special Education Independent Educational Evaluations--Administrative Guidelines
- J. Participation in Assessments
- K. Student Transportation
- L. Transition of Toddlers with Disabilities to Preschool
- M. Residential Placements
- N. Homebound/Hospitalized Special Education Students
- O. Multi-Year Plans
- P. Extended School Year Services
- Q. LEA Representative
- R. Independent School Placements by Parents
- S. School Districts without a Public School

Date Warned: 9 April 2001  
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Revised: 26 August 2002  
Legal Reference(s): 16 V.S.A. chapters 23, 25, 27, 51, 101 and 133  
PL.105-17 Individuals with Disabilities Education Act of 1997 (IDEA)  
Section of the Rehabilitation Act of 1973: and PL 103-382 Title I of the  
Improving Americas' Schools Act (IASA)

Cross Reference: Board Commitment to Non-Discrimination (C6)

**A. LEAP (Local Education Agency Plan)**

It is the policy of this Supervisory Union/Town District that a local education agency plan as required by the U. S. Department of Education will be submitted annually according to VT State Regulations and Individuals with Disabilities Education Act (IDEA) Regulations (300.181).

See appropriate sections of the current LEAP for procedures. The LEAP is available for public access at the Central Office and the Office of the Special Services Coordinator at Canaan Memorial High School.

**B. LRE (Least Restrictive Environment)**

It is the policy of this Supervisory Union/Town District that to the maximum extent appropriate, each child with a disability will be educated in the school which he or she would attend if not disabled. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, will be educated with children who are not disabled. Whenever possible, hindrances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services rather than by separate programs. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur 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. VT State Regulations (2361.2, 2364, 2364.1) and IDEA Federal Regulations (300.130, 300.311(b&c), 300.550-300.556)

See appropriate sections of the current LEAP for procedures. The LEAP is available for public access at the Central Office and the Office of the Special Services Coordinator at Canaan Memorial High School.

**C. FAPE (Free Appropriate Public Education)**

It is the policy of this Supervisory Union/Town District that eligible children age three through twenty-one, will receive free and appropriate special education and related services, regardless of the severity of their disability, providing it has been determined they have a need for special education. This includes children with disabilities who have been suspended or expelled from school. VT State Regulations (2360.2, 2368.1.4) IDEA Federal Regulations (300.121, 300.122, 300.300)

See appropriate sections of the current LEAP for procedures. The LEAP is available for public access at the Central Office and the Office of the Special Services Coordinator at Canaan Memorial High School.

**D. Child Find**

It is the policy of this Supervisory Union/Town District that public notification is given before conducting any significant activity that:

- identifies
- locates
- evaluates

children with disabilities who are three through twenty-one years of age.

**Each school district shall annually inform the public regarding the availability of special education services for children with disabilities who are three through twenty-one years of age. VT State Regulations (2360.3.4 (a), 2368.1.1) IDEA Federal Regulations (300.125)**

Notice will appear annually in the Canaan Town Report and the “Voice” newsletter that is sent to every household in the supervisory union.

**E. Child Count**

It is the policy of this Supervisory Union/Town District that each school district shall annually submit to the Department of Education data requested by the Department on students who have been found eligible for special education under the IDEA. VT State Regulations (2360.3.4 (b), 2368.1.2) IDEA Federal Regulations (300.125)

Notice will appear annually in the Canaan Town Report and the “Voice” newsletter that is sent to every household in the supervisory union.

See appropriate sections of the current LEAP for procedures. The LEAP is available for public access at the Central Office and the Office of the Special Services Coordinator at Canaan Memorial High School.

**F. IEP (Individualized Education Program)**

It is the policy of this Supervisory Union/Town District that an Individualized Education Program shall be developed and implemented for each child with a disability who receives special education services. VT State Regulations (2361.3, 2363) IDEA Federal Regulations (300.128, 300.341-350)

See appropriate sections of the current LEAP for procedures. The LEAP is available for public access at the Central Office and the Office of the Special Services Coordinator at Canaan Memorial High School.

**G. Initial and Reevaluation for Special Education Eligibility**

It is the policy of this Supervisory Union/Town District that a full and individual evaluation is conducted for each child being considered for special education and related services according to IDEA.

- (1) To determine if the child is a "child with a disability"
- (2) To determine the educational needs of the child.

In implementing the requirements of above, the public agency shall ensure that

- (1) The evaluation is conducted in accordance with the procedures described in Federal and State Regulations.
- (2) The results of the evaluation are used by the child's IEP team in meeting the requirements of Federal and State regulations.
- (3) A reevaluation of each child with a disability is conducted in accordance with Federal and State regulations.
- (4) The results of any reevaluations are addressed by the child's IEP team in reviewing and, as appropriate, revising the child's IEP.

VT State Regulations (2361 and 2362) IDEA Federal Regulations (300.126, 300.320, 300.321, 300.530 – 300.536)

**H. Equal Educational Opportunities**

Students on Individual Educational Plans are encouraged to participate in school sponsored events and performances. The IEP should reflect the need for accommodations/supervision when the student is a participant in a school-sponsored event. There is no provision for the school to provide accommodations/supervision where the student is an observer only. Exceptions to these guidelines may be considered on an individual basis. Final approval is dependant upon availability of personnel and coordinator approval. VSA Title 16 § 2941, Federal Title IX, IDEA Federal Regulations (300.306)

**I.**

**Procedural Safeguards/Parental Rights**

It is the policy of Essex North Supervisory Union/Town School Districts to comply with the procedural safeguards for children:

- Due process for parents and children
- Parent examination of records
- Parent participation in meetings
- Independent education evaluation
- Independent education evaluation at public expense: see administrative guidelines
- Required notifications
- Parental consent
- Mediation
- Impartial due process hearing and officer
- Hearing rights – impartial review, decision and appeal
- Timelines and convenience of hearings and reviews
- Civil action
- Attorney's fees
- Child status during proceedings
- Surrogate parents
- Child age of majority
- Change of placement for disciplinary removal
- Authority of school, hearing officer
- Alternative Settings
- Manifestation review and determination

VT State Regulations (2360.5.8) and IDEA Federal Regulations (300.129, 300.500-300.517)

**J.**

**Participation in Assessments**

It is the policy of this Supervisory Union/Town School District that children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations and modifications in administration, if necessary. IDEA Federal Regulations (300.138)

**K.**

**Student Transportation**

Transportation will be provided to eligible special education students when required to implement a part of the instructional program; including transportation to and from home for students who cannot be accommodated by regular school bus service including nonacademic services. Parents may be requested to provide transportation but will be reimbursed at the regular Supervisory Union rate. VT State Regulations (2366.2.2, 2368.1.7) IDEA Federal Regulations (300.306)

L.

**Transition of Toddlers with Disabilities to Preschool**

It is the policy of this Supervisory Union/Town School District that Preschool children who are eligible for additional supports and services beginning at age three. Services shall be available to these children. VT State Regulations (2360.5.7. 2361.1) IDEA Federal Regulations (300.132)

Procedures:

1. The initial comprehensive evaluation under Part B. will occur when the initial evaluation for early intervention expires after three years.
2. The ENSU/Town School District supports family involvement in all components of the transition process including planning, site visits and the development of the transition plan.
3. The ENSU or the individual town districts thru participation of the designated LEA representative will participate in transition planning

M.

**Residential Placements**

It is the policy of this Supervisory Union/Town School District that residential placements for eligible special education students are a decision of the IEP teams and follow VT State Regulations (2366.9) IDEA Federal Regulations (300.302)

N.

**Homebound/Hospitalized Special Education Students**

It is the policy of this Supervisory Union/Town School District that:

- a. Preschool children who are homebound or hospitalized due to a medical condition and are unable to access the essential early education services outlined in their current IEP shall receive direct instruction as determined by the child's IEP participants.
- b. Homebound or hospitalized elementary special education students and elementary special education students with IEP's calling for tutorial services outside school shall receive instruction pursuant to the student's IEP for no less than six hours per week unless inconsistent with medical and/or educational recommendations.
- c. Homebound or hospitalized secondary special education students and secondary special education students with IEP's calling for tutorial services outside school, shall receive instruction pursuant to the student's IEP for no less than an average of two hours per subject per week unless inconsistent with educational or medical recommendations.

VT State Regulations (2364.3)

O.

### Multi-Year Plans

It is the policy of this Supervisory Union/ Town School District to develop multi-year plans leading to graduation for students so referred.

A multi-year Plan is an individual plan for students with limiting disabilities that leads to completion of the graduation requirements. This plan shall include a component explaining any exception to the graduation requirements and alternative requirements designed for the pupil. A description of the process follows:

Students, parents, teachers, guidance personnel, or school administrators may make a request for Multi-year Plans.

For students who are eligible for special education, a Multi-year Plan shall be considered at a student's Individual Education Plan (IEP) meeting beginning with the IEP meeting to plan services for the year in which the student turns 14 years old. The participants at the IEP meeting shall develop a Multi-year Plan if they determine that is necessary in order for the student to graduate. The student's superintendent or his or her designee shall review and approve or disapprove all Multi-year Plans. The IEP participants shall submit any changes to a Multi-year Plan.

When approved, completion of the Multi-year Plan shall be stated as one of the goals in the student's IEP.

Upon successful completion of an approved Multi-year Plan for graduation, a diploma shall be awarded to the student. VT State Regulations (2120.8.2.1(c))

P.

### Extended School Year Services

It is the policy of this Supervisory Union/Town School District to provide certain special education eligible students with extended school year services according to the following guidelines:

- (1) ESY services shall be provided only if a child's IEP team determines that the services are necessary for the particular child beyond the normal school year because:
  - (i) ESY is essential to permit the student opportunity to reach reasonably set educational goals;
  - (ii) There has been a significant amount of regression over the past winter, spring and summer vacations and recumbent did not occur within a reasonable amount of time;
  - (iii) The severity of the student's disability presents a risk of irreversible regression;
  - (iv) The student's rate of progress has failed to meet the goals or benchmarks set forth in an IEP designed to promote reasonable progress; or

- (v) The students' transition needs require continued programming beyond the school year IEP.
- (2) A school district or IEP team may not limit extended school year services to students with particular disabilities; or
- (3) A school district shall not adopt a policy that limits the type, amount, or duration of ESY services for all children.

VT State Regulations (2363.8 (g)) IDEA Federal Regulations (300.309)

**Q. LEA Representative**

It is the policy of this Supervisory Union/Town School District that the Special Services Coordinator is assigned the responsibility of LEA representative where required by state and federal regulations. If the Special Services Coordinator is unable to fulfill this duty, he/she will designate a temporary replacement to attend IEP meetings, etc.

**R. Independent School Placement**

It is the policy of this Supervisory Union/Town School District that they will follow the procedures for Independent School Placement of children with disabilities by their parents in recognized or approved independent schools, including religious schools. These procedures are found in the Vermont Special Education Regulations.

This section does not apply to children who are placed in independent schools by school districts pursuant to IEP's

VT State Regulations (2368.1.1 through 2368.1.13) IDEA Federal Regulations (300.403, 300.450-300.462)

**S. School Districts without a Public School**

It is the policy of this Supervisory Union/Town School District that those school districts that do not maintain a public school or has not designated, in accordance with 16 VSA § 827, an approved independent school, shall provide all eligible resident students a free appropriate public education.

All special education evaluations, planning and due process procedures, as required by Vermont Regulations and Federal Law, shall be made available to students who are referred for a special education evaluation or who are eligible for special education and to their parents.

The location of IEP services shall be determined by the above regulations.

VT State Regulations (2368.3) IDEA Federal Regulations (300.133, 300.349, 300.400-300.402)



## **Addendum #1-Special Education Independent Educational Evaluations-Administrative Guidelines**

**Independent evaluations paid for by the school district:** Whenever there is a request for payment of an independent evaluation from this school district, the following criteria must be met:

1. Parents, guardians, etc. may request an independent evaluation at school expense only after the Evaluation and Planning Team has had an opportunity to complete its evaluation and issue a report. The request must be in writing to the Special Services Coordinator before the independent evaluation is scheduled to take place. The request must state (a) why the parents disagree with the district's evaluation of their child, (b) what specific evaluations are being sought, (c) what they purport to show, (d) who they propose as an independent evaluator and his/her qualifications, and (e) estimated costs.
2. The Special Services Coordinator will respond to a completed parental request for an independent evaluation within ten working days of receiving the completed request.
3. The Special Services Coordinator will provide parents or guardians upon request, with a list of evaluation agents/sites that meet the school district's evaluation criteria. The parents shall inform the district of their choice before the evaluation has taken place. (Parents or guardians are not required to select an evaluator from the district's list, but shall be informed of the district's ability to challenge any evaluator. The criteria for the Independent Evaluation shall be consistent with the criteria used by the district for its evaluations, see #4.below)
4. If approved by the Special Services Coordinator upon request, the independent evaluator must provide evidence of being appropriately trained, licensed or certified to administer and interpret all tests or examinations to be used.
5. All independent evaluations shall be conducted within a two hundred and fifty mile radius of Canaan, Vermont. With the written approval of the Superintendent, parents may be granted reimbursement for independent evaluations outside this area provided there is agreement that such reimbursement will be limited to the amount of a comparable evaluation within the designated area (if available within the designated area) and with agreement that reimbursement for all associated expenses (meals, room, travel) shall be limited to current rates for meals and travel as determined by the Superintendent.
6. The Special Services Coordinator may request the independent evaluator to carry out additional and specific assessments which the Evaluation and Planning Team deem necessary to ensure the appropriateness of the child's education.
7. The results of all independent evaluations obtained at public expense shall be considered by the Evaluation and Planning Team and/or IEP meeting participants in any decision made with respect to the provision of a free appropriate public education to the student.
8. The independent evaluators shall send the report of the results of the independent evaluation and, if requested by the district all supporting data including test protocols to the Special Services Coordinator. No invoices shall be processed for payment until all materials noted above are received by the Coordinator.

**Independent evaluations paid for by parents:** If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

1. Shall be considered by the Evaluation and Planning Team and/or IEP Team in any decision made with respect to the provision of a free appropriate public education to the child.

VT State Regulations (2362.2.7) IDEA Federal Regulations (300.502)