

UTAH SCHOOLS FOR THE DEAF AND THE BLIND



SPECIAL EDUCATION PROCEDURES

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

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I. GENERAL PROVISIONS (Utah State Board of Education Special Education Rules)

A. Policies and Procedures

Utah Schools for the Deaf and the Blind (USDB), in providing for the education of students with disabilities enrolled in its schools and as a state-wide resource to Utah school districts, has in effect policies, procedures, and programs that are consistent with the Utah State Board of Education Special Education Rules (USBE SER) as described in this Procedures Manual.

B. Definitions

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

C. Budget Information and Categories

USDB provides detailed budget information and budget categories in its annual application for the Individuals with Disabilities Education Act (IDEA) Part B funding submitted to the Utah State Office of Education (USOE).

D. Assurances

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

E. General Program Description

USDB is located at 742 Harrison Boulevard, Ogden, Utah. USDB provides services and resources only for students who meet the special education eligibility criteria as students who are deaf, blind or deafblind as defined in R277-800-5.

USDB is comprised of six regional programs statewide, four for the Hearing/Deafness as defined in USBE SER II. J. 5. (here after referred to as Deaf/ hard of hearing) and two for the Visually Impaired including Blind as defined in USBE SER II. J. 13. (here after referred to as blind/visually impaired) as well as a statewide consultation program for students who are deafblind and a residential program located on the campus in Ogden. The Utah

Core Curriculum is the foundation for the curriculum in all grade levels, with basal and supplementary materials used for daily instruction in classrooms. USDB also incorporates the Expanded Core Curriculum into the educational program for blind/visually impaired students.

1. Expanded Core Curriculum

Students who experience a visual impairment or blindness are categorized as a low incidence population. These students are not able to fully incorporate environmental information as a sighted child does. As a result, areas of emphasis providing implicit instruction must be provided not only in the educational setting, but in all environments. These areas of emphasis have also been called the expanded core curriculum, and reflect an agreement within the educational field that areas beyond academics must be addressed within a comprehensive educational program. These areas include:

- a) Independent living - A focus on tasks and functions that lead to independence in such areas as money management, organizational techniques, personal hygiene, food preparation
- b) Technology - A focus in providing instruction in the necessary tools that will enhance communication and learning such as Braille Notetaker, computer magnification, aural reading devices, etc.
- c) Self determination - The ability of individuals to control their lives, reach goals, and fully participate in the world around them
- d) Career education - Exploration of strengths and interests in a systematic, well-planned process
- e) Recreation and leisure - Skills and activities they can enjoy throughout their lifetime (e.g. outdoor and indoor activities)
- f) Sensory efficiency skills - Thorough, systematic training for low vision students to effectively and efficiently utilize remaining vision
- g) Orientation and mobility - An emphasis on learning and developing the skills that are necessary for safe, independent travel through a variety of environments
- h) Social interaction skills - Careful and sequential instruction that will assist the student to understand and participate fully in their environment. This instructional component could mean the difference between social isolation and a satisfying and fulfilling life as an adult.

F. Free Appropriate Public Education (FAPE) (USBE SER I. E. 15)

1. Special education and related services that:

- a) Are provided at public expense, under public supervision and direction, and without charge;
- b) Meet the standards of the USOE and Part B of the IDEA;
- c) Include preschool, elementary school, and secondary school education in Utah; and
- d) Are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of Part B of the IDEA and these Rules.

G. Full Educational Opportunity Goal

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

II. IDENTIFICATION, LOCATION AND EVALUATION OF STUDENTS SUSPECTED OF HAVING DISABILITIES

A. Child Find (USBE SER II.)

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

B. Child Find Procedures

As a statewide agency, USDB will participate in child find activities by assisting districts. In cooperation with the Local Education Agency (LEA), USDB conducts the following procedures to ensure that students suspected of having a disability are identified and located:

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

2. In identifying and locating students who are suspected of having a disability but have not been previously identified or determined eligible for special education or special education and related services, USDB implements the following procedures in cooperation with school districts:
 - a) Training of staff on the Child Find obligation and how to be alert for observed behaviors that suggest a suspected disability.
 - b) Letters sent to community agencies, homeless shelters, and licensed daycare centers regarding locating children with disabilities.
 - c) Notice on the USDB website of the referral procedures and of the availability of services for eligible students with disabilities.
 - d) Ongoing communications with health care providers.
 - e) Annual consultation with private schools concerning the identification of eligible students with disabilities.
3. USDB's Part C Parent Infant Program Early Intervention Provider (PIP), collaborates and coordinates through an inter-agency agreement with the Utah Health Department Early Intervention Provider, Baby Watch, to ensure that students with disabilities are identified, located, evaluated, and have FAPE available by age three (3), if eligible.

C. Referral

1. Procedure

When a parent or staff member suspects a student may have a disability, USDB is available to assist the LEA in implementing the following referral procedure:

- a) Teachers implement evidence-based and/or peer-reviewed interventions and provide documentation of the results to be reviewed by a school team which includes a general education teacher, the building principal and others as necessary.
- b) Note: Interventions may not be used to substantially delay an evaluation for eligibility.

- c) The results of the interventions, accompanying data, and a completed referral form are given to the building administrator, who reviews this existing data on the student and determines if the referral should go forward for a full evaluation. If it is decided that the evaluation should take place, the building administrator signs the referral and assigns a staff member to oversee/conduct the evaluation.
- d) If the referral is not going to result in a full evaluation, the building administrator and the assigned case manager send the parent a written prior notice of refusal to take the action of conducting an evaluation.

D. Evaluation

USDB is available to assist school districts in the evaluation process.

1. Parental consent

Once a referral has been completed and signed, USDB or the LEA promptly requests parental consent to evaluate the student to determine if the student needs special education and related services. Prior to initiating a full and complete individual evaluation, parental consent is required. The consent informs the parent that the evaluation is being proposed because the student is suspected of having a disability that affects his/her educational performance and that he/she may be eligible for special education or special education and related services. The consent indicates the areas in which the evaluation team may conduct tests or administer other assessment tools to the student. Consent for evaluation must not be construed as consent for provisions of special education services.

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

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

2. Written prior notice

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

3. Evaluation timeline

When the signed parental consent or refusal of consent for evaluation is received at the school, the assigned case manager/special education teacher writes the date it was received on the form to document the beginning of the timeline for the evaluation. USDB assists LEAs in completing all evaluations within 45 school days of receiving the consent. The 45 school day timeline does not apply if the parent fails to produce the student for the evaluation.

4. Evaluation process

a) Review of existing data

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

b) Administration of additional assessments

In addition, USDB and or LEA special education staff administers assessments in other areas as part of a full and individual initial evaluation, as indicated on the Consent for Evaluation, in order to determine eligibility and the student's educational needs. The test administration follows all of the requirements of the USBE SER II. F-H., including:

- (1) Use a variety of assessment tools.
- (2) Use of technically sound instruments.
- (3) Selection of tools that are not discriminatory on a racial or cultural basis.
- (4) Administration in student's native language or mode of communication.
- (5) Use of assessments for the purposes intended and in accordance with the publisher's administration standards.
- (6) Administration by trained and knowledgeable personnel.
- (7) Use of tools that assess what they purport to measure and not just the student's disability.

- (8) Assessment in all areas related to the student's suspected disability.
- (9) Comprehensive assessment, not just in areas commonly associated with the specific disability.

c) Evaluation requirements

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

E. Reevaluation Procedures (USBE SER II.G)

1. USDB conducts a reevaluation of each student with a disability when the educational or related services needs, including improved academic achievement and functional performance, if a student warrants a reevaluation; or if the student's parent or teacher requests a reevaluation.
2. Parental consent for reevaluations
 - a) USDB obtains informed parental consent prior to conducting any reevaluation of a student with a disability, if the reevaluation includes the administration of additional assessments to the student.
 - b) If the parent refuses to consent to the reevaluation, USDB may, but is not required to, pursue the reevaluation by using the consent override procedures provided in the procedural safeguards, and including mediation or due process procedures.
 - c) The reevaluation may be conducted without parental consent if the school can demonstrate that it made reasonable attempts to obtain such consent and the student's parent has failed to respond. A written record of the attempts is maintained in the student's special education file.

F. Additional Requirements for Initial Evaluation and Reevaluation Procedures (USBE SER II. H.)

1. As part of any initial evaluation and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must review existing evaluation data on the student. This review may be conducted without a formal meeting. The special education teacher/case manager may review and discuss the existing data with team members and the parent individually. Existing data may include evaluations and information provided by the parents of the student; current classroom-based, local or State assessments and classroom-based observations; observations by teachers and related services providers; grades; attendance and other information regarding the student's current educational performance.
2. The IEP team and appropriate other qualified professionals, based on their data review and input from the student's parents, identifies what additional data, if any, are needed to determine whether the student is or continues to be a student with a disability and the educational needs of the student, and
 - a) The present levels of academic achievement and related developmental needs of the student.
 - b) Whether the student needs special education and related services; or, in the case of a reevaluation of a student, whether the student continues to need special education and related services.
 - c) Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.
3. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine continuing eligibility and student needs, the parents are given Written Prior Notice of that decision and of their right to request additional assessment. USDB then prepares a new Team Evaluation Summary Report and Prior Notice of Eligibility Determination, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Team Evaluation Summary Report and Prior Notice of Eligibility Determination form is completed and signed by the team, and the parents are given Written Prior Notice of that determination along with a copy of the Team Evaluation Summary Report and Prior Notice of Eligibility Determination documents. Written Prior Notice is embedded in the Team Evaluation Summary Report and Prior Notice of Eligibility Determination document.

4. If the parent requests additional assessment as part of the reevaluation, USDB conducts assessment in the areas of educational functioning requested. When the additional assessment is completed, USDB then prepares a new Team Evaluation Summary Report and Prior Notice of Eligibility Determination, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Team Evaluation Summary Report and Prior Notice of Eligibility Determination form is completed and signed by the team, and the parents are given Written Prior Notice of that determination along with a copy of the Team Evaluation Summary Report and Prior Notice of Eligibility Determination documents. Written Prior Notice is embedded in the Team Evaluation Summary Report and Prior Notice of Eligibility Determination document.
5. Evaluations before a change in eligibility
 - a) USDB evaluates students with disabilities before determining that students are no longer eligible for special education or special education and related services. However, an evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular diploma, or due to the student's reaching age 22, as provided under State law.
 - b) For a student whose eligibility terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for FAPE under State law, USDB provides the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals.
6. Parental consent is not required before:
 - a) Reviewing existing data as part of an evaluation or a reevaluation.
 - b) Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

G. Evaluation Timelines

1. An initial evaluation must be completed within 45 school days of the date the school receives parental consent for the evaluation.

2. A reevaluation:
 - a) May not be conducted more than once a year, unless the parent and the USDB agree otherwise.
 - b) Must occur at least once every three (3) years, unless the parent and the USDB agree that a reevaluation is unnecessary.

H. Eligibility Determination

1. Notice of meeting

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

2. Evaluation results summary report

The USDB program administrator or special education case manager is responsible to collect all of the results of the evaluation and summarizes the information on the Team Evaluation Summary Report and Prior Notice of Eligibility Determination form. This Evaluation Summary Report is part of the USDB's Eligibility Determination document for each disability category.

3. Eligibility team membership

The eligibility team shall include a group of qualified professionals and the parent. At USDB, this may include a program administrator, host school administrator, USDB special education teacher, general education teacher, speech-language pathologist, school psychologist, occupational therapist, physical therapist, nurse, orientation and mobility instructor and others who have conducted parts of the evaluation, as appropriate.

4. Eligibility categories, definitions, and criteria

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

- a) For the category of Specific Learning Disability (SLD), USDB has selected Method B: A process based on demonstrating that a severe discrepancy exists between the student's achievement and intellectual ability in one or more of the areas of the specific disability. Those specific areas are:
 - (1) Oral expression.
 - (2) Listening comprehension.
 - (3) Written expression.
 - (4) Basic reading skills.
 - (5) Reading comprehension.
 - (6) Mathematics calculation.
 - (7) Mathematics problem solving.
- b) If a student is referred by a parent or staff member, USDB follows all of the procedures of the USBE SER and this Manual for referral and initial evaluation.
- c) While the severe discrepancy model is used, USDB uses the problem solving process of the Response to Intervention (RTI) model to document the provision of effective instructional interventions.
 - (1) This ensures that opportunity to learn or lack of progress is not due to lack of appropriate instruction in reading or math. The problem-solving process provides educators with a consistent, step-by-step process to identify academic or behavioral problems, select interventions, and evaluate the effectiveness of interventions. This process is based on data that clearly defines the problem. Data the team may consider include, but are not limited to, items such as:
 - (a) School historical data (cumulative file review).
 - (b) State and district-level testing information.
 - (c) Classroom curriculum-based measurements or other progress-monitoring results.
 - (d) Special needs (e.g., medical concerns).
 - (e) Observations.
 - (f) Other information as determined by the school collaborative team.

- (2) When documenting instructional opportunity, there is the expectation that interventions will be provided prior to making a referral. Interventions are those instructional practices that are supplemental to classroom instruction and differentiated to meet unique needs of the student who is not progressing in the general curriculum. Schools identify interventions that are scientifically research-based, proven effective, and aligned with the core curriculum and content programs. Data will demonstrate that the student was provided appropriate instruction in regular classroom setting, delivered by qualified personnel.

d) Informing parents

USDB involves parents at all phases of the intervention process. When included in the decision-making process, parents can provide a critical perspective on students, thus increasing the likelihood that interventions will be effective. For this reason, schools must make a concerted effort to involve parents as early as possible, beginning with instruction in the core curriculum. This can be done through traditional methods such as parent-teacher conferences, IEP team meetings, staffing meetings, regularly scheduled meetings, or other methods.

e) Parental notification

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

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

- f) Comprehensive evaluation
- (1) The comprehensive evaluation must use a variety of technically sound assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent. It is not permissible to use any single measure or assessment as the sole criterion for determining whether the child has a specific learning disability.
 - (2) USDB must ensure that the student is observed in the student's learning environment (including the regular classroom setting when appropriate) to document the student's academic performance and behavior in the areas of difficulty. The team may decide to use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an evaluation; or have at least one member of the team conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent is obtained. If the student is a home-schooled student, USDB will determine how to conduct the observation and who will conduct it. In the case of a student of less than school age or out of school, a group member must observe the student in an environment appropriate for a student of that age.
 - (3) Upon completion of the evaluation, a group of qualified professionals and the parent(s)/guardian meet to review the data and determine eligibility. This evaluation/eligibility team must include at least:
 - (a) The student's regular teacher; or
 - (b) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or
 - (c) For a student of less than school age; an individual qualified by the USOE to teach a student of his or her age; and
 - (d) At least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, speech-language pathologist, reading teacher or reading specialist or special education teacher.
 - (4) Specific documentation for the eligibility determination (§300.311)

- (a) The team's documentation of the determination of eligibility with a specific learning disability must contain a statement of:
 - i. Whether the student has a specific learning disability.
 - ii. The basis for making the determination.
 - iii. The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning.
 - iv. The educationally relevant medical findings, if any.
 - v. Whether the student does not achieve adequately for student's age or to meet State-approved grade level standards and obtains scores that demonstrate that the severe discrepancy exists between the student's achievement and intellectual ability in one or more of the areas of a specific learning disability.
 - vi. The documentation must also contain the determination of the team concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level.
- (b) The eligibility team must refer to the USOE Specific Learning Disabilities Guidelines.

g) Determining Eligibility

- (1) For an initial evaluation, USDB administers appropriate assessments that meet all the criteria in Section II of this Manual. USDB uses assessment results and other existing data, including classroom observations, to determine possible gaps in learning.

- (2) An eligibility team consisting of parents and qualified professionals including the student's general education teacher and an individual qualified to conduct individual diagnostic examinations determines whether the student is a student with a Specific Learning Disability by reviewing all data and determining whether the disability has an adverse effect on educational performance, and if specialized instruction is needed for the student to succeed, in accordance with the eligibility determination requirements of USBE SER II.
- (3) Within 45 school days of receipt of signed written parental consent, all evaluations must be completed.
- (4) Upon completion, the evaluation team must meet to review all the data, determine if there is a need for any additional data, make an eligibility determination, and complete the evaluation report (assuming no additional data is needed to make a determination).
- (5) This evaluation will include student's scores that demonstrate that a severe discrepancy exists between the student's achievement and intellectual ability in one or more of the areas of specific learning disability.
- (6) The team must document the student's performance on a standardized, norm-referenced, individually administered measure in the area of suspected disability and the student must score above the intellectual disability range on a standardized, norm-referenced, individually administered measure of intellectual ability.
- (7) There must be a report that states that the team can be 93 percent confident there is a severe discrepancy between the student's expected achievement score and the obtained achievement score based on Utah Estimator software.
- (8) As an alternate, there must be a report that shows a significant discrepancy, based on a commercial software program that employs a clearly specified regression formula that considers the relationship between the intelligence and achievement tests as well as the tests' reliability.
- (9) Each team member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the team member must submit a separate statement presenting their conclusion.

(10) The Team Evaluation Summary Report and Prior Notice of Eligibility Determination must contain the information described above.

5. Determining eligibility (USBE SER II.)

- a) Using the criteria for each category of disability as described above, the eligibility team shall determine:
- (1) Whether the student has a disability.
 - (2) That adversely affects his educational performance; and
 - (3) Whether the student requires special education or special education and related services.

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

- b) A student must not be determined to be a student with a disability if the determinant factor is (USBE SER):
- (1) Lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency);
 - (2) Lack of appropriate instruction in math; or
 - (3) Limited English proficiency.
- c) The determination of eligibility is documented on the appropriate Team Evaluation Results Summary Report and Prior Notice of Eligibility Determination form with signatures of team members.
- d) If the disability is determined to be a Specific Learning Disability, any team member who disagrees with the rest of the team's decision may put his or her reasons in writing.

- e) Parents are provided with a copy of the Team Evaluation Results Summary Report and Prior Notice for Determination of Eligibility document.

6. Evaluations Before a Change in Eligibility (USBE SER II. H. 6)

- a) USDB evaluates a student with a disability before determining that the student is no longer an eligible student with a disability.
- b) An evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular high school diploma, or due to exceeding the age of eligibility for FAPE under Utah law.
- c) For a student whose eligibility terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility for FAPE under Utah law, USDB provides the student with a summary of the student's academic achievement and functional performance, which includes recommendations on how to assist the student in meeting the student's postsecondary goals.

III. IEP DEVELOPMENT AND SERVICE DELIVERY

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

A. IEP Team Meeting

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

B. Parental Opportunity to Participate

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

C. IEP Team

The team shall consist of the parent, the USDB program administrator, the USDB special education teacher or case manager, the regular education teacher of the student, a representative of the student's LEA of residence, and a person who can interpret the results of the evaluation and the student when appropriate. Other team members may be added when they are likely to provide services to the student.

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

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

E. IEP Timelines

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

F. Transfer Students

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

G. IEP Development and Content

1. The IEP team will develop an IEP that is reasonably calculated to confer a FAPE for the student.
2. In developing the IEP, the IEP team must consider the student's strengths, parental concerns, evaluation results, academic development and functional needs, and special factors.
3. The IEP must include:
 - a) A statement of the student's present level of academic achievement and functional performance, including baseline data on his achievement and how the student's disability affects his access and progress in the general curriculum for his age or grade level. For preschool students, goals will be based on appropriate activities.
 - b) Measurable annual goals and, for students who are assessed using Utah's Alternate Assessment, short term objectives, based on the present level statement that enable the student to be involved and make progress in the general education curriculum and addressing each of the student's educational needs resulting from the student's disability.
 - c) How progress on the goals will be measured and reported to the parents on a periodic basis.
 - d) The special education and related services, and the supplementary aids and services, the student needs to address his goals and make progress in the general curriculum. The services are based on peer-reviewed research to the extent practicable.
 - e) Program modifications and supports for the student and the teacher in the regular education classroom.
 - f) The dates that services, accommodations, and program modifications will begin and end (no more than one year from the date of the IEP); and the frequency, location and amount of each service listed.
 - g) Consideration of special factors as follows:
 - (1) In the case of a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP;

- (2) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;
- (3) Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
- (4) Consider whether the student needs assistive technology devices and services; and
- (5) In the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
 - (a) When making decisions on behavioral interventions, the IEP team must refer to the USDB Behavior Policy and the *USOE Special Education Least Restrictive Behavior Interventions (LRBI) Guidelines* for information on research-based intervention procedures in order to protect the safety and well-being of students with disabilities, provide protection for students, teachers, other school personnel, USDB and the USOE and ensure that parents are involved in the consideration and selection of behavior interventions to be used with their students.
 - (b) When an emergency situation occurs that requires the immediate use of moderately or highly intrusive interventions to protect the student or others from harm, the staff shall complete and submit the emergency contact information to the USDB Human Rights Committee Chair and USDB program administrator and notify the student's parents within 24 hours.
 - (c) As appropriate, the student should receive a functional behavioral assessment and behavior intervention services and modifications that are designed to address the behavior.

- h) If the IEP team in considering the special factors described above decides that a student needs a particular device or services for educational purposes, which could be an intervention, accommodation or other program modification in order to receive FAPE, the team must include these in the IEP.
- i) The student will participate in district-wide and statewide assessments. While every student with a disability must participate, an individual student may be determined to participate with some accommodations based on his disability or with modifications. Students who have the most significant cognitive disabilities and meet other criteria in the USOE Assessment Participation and Accommodation Policy, may be assessed with Utah's Alternate Assessment (UAA). The IEP team must indicate this on the IEP Assessment Addendum, along with the reason that the student cannot otherwise participate in the statewide assessment program.
- j) An addition to the required elements of the statewide assessment program, USDB administers district wide assessments. All students, including eligible students with disabilities, are included in these assessments. Students with disabilities may participate in the assessments with appropriate accommodations and modifications as determined by the IEP team and documented in the student's IEP. Alternate assessments for individual students, as determined by the student's IEP team and documented in the student's IEP, are provided for students who cannot participate in district wide assessments in any other way.
- k) How the student will participate in physical education services, specially designed or adapted if necessary.
- l) Each IEP team must determine whether the student will need Extended School Year (ESY) services in order to receive FAPE.
 - (1) The IEP team shall develop an ESY plan that includes which IEP goals the student will work on during the ESY, what services will be provided, how long and how often the ESY services will be provided, and the setting(s) in which the services will be provided.
- m) USDB makes assistive technology devices or assistive technology services, or both, available to a student with a disability if required as part of the student's special education, related services or supplemental aids and services. School-purchased assistive technology devices may be used in the student's home, if the IEP team determines, on a case-by-case basis, that assistive technology in the home is required for the student to receive FAPE.

H. IEP Team Access to IEP Information

1. USDB special education teachers make the student's IEP accessible to each general education teacher, special education teacher, related service provider and other service providers who are responsible for its implementation.
2. Each teacher and provider is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications and supports that must be provided for the student in accordance with the IEP.

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

1. Placement decisions are made by a group of persons, including the parents and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. This group may be the IEP team, including the parent. The group determines the placement on the continuum of placement options where the student will receive special education or special education and related services.
2. USDB ensures that the parents of each student are members of any group that makes decisions on the education placement of their student. If unable to get the parents to participate, after repeated and documented attempts, the team may need to proceed with a placement decision. However, no initial placement and provision of services may be put in place without written parental consent.
3. Placement is determined at least annually, based on the student's present levels of performance, goals, services and program modifications as detailed in the IEP.
4. Identified students with disabilities shall receive the special education or special education and related services in the least restrictive environment to the maximum extent appropriate to meet the student's needs. This means that the student will not be removed from the regular education classroom, with regular education peers, unless the IEP team determines that due to the nature and severity of the disability, the student's educational needs cannot be addressed satisfactorily in the regular education environment, even with the use of supplementary aids and services.
5. USDB provides the IDEA required range of placement options, including placement in the regular education classroom, with or without itinerant services; placement in a special class; placement in a special school; placement in a residential program; and homebound or hospitalized placement.

6. USDB provides supplementary services, such as resource or itinerant instruction, in conjunction with placement in the regular education classroom, when needed.

J. Nonacademic Settings, Activities, and Services (USBE SER III. U-V)

1. USDB, through the IEP process including the provision of supplementary aids and services, provides eligible students with disabilities nonacademic and extracurricular services and activities in the manner necessary to afford eligible students with disabilities an equal opportunity for participation in those services and activities.
2. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by USDB, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by USDB and assistance in making outside employment available.

K. Parental Consent for Initial Placement and Provision of Services (USBE SER III. T.)

1. In order for the IEP to be implemented and the special education services the team has decided on to begin, written parental consent must be obtained. If the parent refuses consent for the provision of those services, USDB may not implement the IEP and may not access due process procedures.
2. USDB does not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit or activity of USDB.

L. Documentation of Participation

1. All members of the IEP team will sign the IEP document indicating that they participated in the development of the IEP. A parent's signature on the IEP does not mean that the parent is in full agreement with the content of the IEP and does not abrogate the parental right to access the Procedural Safeguards of IDEA.
2. If USDB, despite at least two documented attempts, is unsuccessful in having parental attendance at the meeting, the rest of the IEP team shall proceed with the meeting.
3. Parents may participate via telephone conference or video conference.

4. Parents will be provided with a copy of the completed IEP, and Written Prior Notice of USDB's intent to implement the program and services in the IEP. This Notice is embedded in the IEP form.

M. Changes to the IEP

1. Changes to the IEP may be made to a student's IEP after the annual IEP meeting for a school year, without convening a meeting.
2. Amendments to the IEP without a team meeting may be made only with the agreement of USDB and the parent.
3. Changes must be documented on an Individualized Education Plan Amendment form and attached to the IEP.
4. The parent will be provided with a copy of the amended IEP.
5. IEP team members will be informed of the changes.

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

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

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

1. For a student with a disability beginning not later than the first IEP to be in effect when the student turns 16 (such as in an IEP meeting conducted when the student is 15 years old), or younger if determined appropriate by the IEP team, the Notice of Meeting indicates that a purpose of the meeting is the consideration of the postsecondary goals and transition services for the student, that USDB will invite the student and identifies any other agency that will be invited, with the consent of the parents or student age 18 or older, to send a representative.
 - a) If the student does not attend the IEP meeting, USDB takes other steps to ensure that the student's preferences and interests are considered.
2. Beginning not later than the first IEP to be in effect when the student turns 16 (such as in an IEP meeting conducted when the student is 15 years old), or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP includes:
 - a) Appropriate measurable postsecondary goals, including academic and functional goals, based upon age-appropriate transition assessments related to training or education, employment and, where appropriate, independent living skills.
 - b) The transition services, including courses of study, needed to assist the student in reaching the student's post-secondary goals.
3. Transfer of rights at age of majority.
 - a) Beginning not later than one year before the student reaches the age of majority (age 18), the IEP must include a statement that the student and the student's parents have been informed of the student's rights under Part B of the IDEA that will transfer to the student on reaching the age of majority (except for a student with a disability who has been determined to be incompetent by a court). These rights include:
 - (1) An adult student has the right to approve the student's own educational placement and IEP without help from parents, family, or special advocates.
 - (2) An adult student has the right to allow parents, family, or special advocates to help if the student so desires.
 - b) USDB provides any notice required by Part B of the IDEA and these Rules to both the student and the parents.
 - c) All rights accorded to parents under Part B of the IDEA transfer to the student.

- d) All rights accorded to parents under Part B of the IDEA transfer to students who are incarcerated in an adult or juvenile, State or local correctional institution.

P. Graduation (USBE VII. C)

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

Q. Least Restrictive Behavior Interventions (LRBI)

USDB must refer to the *USOE Special Education Least Restrictive Behavior Interventions (LRBI) Guidelines* as written. USDB has a Behavior policy that includes the implementation of the following procedures:

1. When an emergency situation occurs that requires the immediate use of highly intrusive individual interventions to protect the student or others from harm, the staff shall complete and submit the emergency contact information to the Human Rights Committee Chair and the USDB program administrator and notify the student's parents within 24 hours. USBE SER III. I. (b)(5)(c).
 - a) In an emergency situation, school staff may intervene using a moderate to intensive (highly intrusive intervention) to ensure the safety of students and staff. Emergency situations include:

- (1) Danger to others - Physical violence/aggression toward others with sufficient force to cause bodily harm.
 - (2) Danger to self - Self-abuse of sufficient force to cause bodily harm.
 - (3) Severe destruction of property - Severe destruction or physical abuse of property resulting in substantial monetary loss.
 - (4) Threatened abuse toward others, self, or property - Substantial evidence of past threats leading to any of the behaviors defined as danger to others, danger to self, or severe destruction of property.
 - b) Each staff member will submit an Emergency Contact Form within 24 hours to the Human Rights Committee Chair and the USDB program administrator.
 - c) Parents will be notified of the emergency contact within 24 hours.
2. If a behavior requiring emergency procedures occurs more than once per week, two times in a month, or four times in a year, the behavior should no longer be considered an emergency or crisis and should be addressed in the IEP and/or a Behavior Intervention Plan (BIP). Additionally, the allowable instances of a behavior requiring emergency procedures are cumulative in number, regardless of whether a different highly intrusive individual intervention is used.
 3. USDB follows the Dispute Resolution requirements of the USBE SER described in IV. G-U as written. These include the procedures for State Complaints, Mediation, Due Process Complaints, Resolution Process, Due Process Hearings, Civil Actions, Attorney's Fees, and Student's Status during Proceedings.
 4. USDB will provide ongoing professional development related to the Utah *State Board of Education Special Education Rules*, the *USOE Special Education Least Restrictive Behavior Interventions (LRBI) Guidelines*, and the *USDB Special Education Procedures Manual* to staff.
 5. Procedures for Monitoring LRBI Policies:
 - a) The Human Rights Committee Chair will review all Emergency Contact forms for verification that procedures were followed. If procedures were not followed, intensive professional development will be provided to school staff where procedures were not followed.
 - b) All BIPs that include intensive interventions will be reviewed by the Human Rights Committee for appropriate selection of interventions.

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

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

IV. PROCEDURAL SAFEGUARDS

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

A. Opportunity for Parental Participation in Meetings

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

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

1. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by USDB.
2. USDB has established and implements the following policies and procedures related to independent educational evaluations that meet the requirements of Part B of the IDEA and the USBE SER.
 - a) The parents of a student with a disability have the right to obtain an independent educational evaluation of the student at public expense if they disagree with an evaluation obtained by USDB.
 - b) USDB provides to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and USDB's criteria applicable for independent educational evaluations. A qualified examiner is one who meets the USOE criteria for qualified personnel as a special education teacher, school psychologist, psychologist with expertise in administration and analysis of assessments, or other equivalent qualifications as determined by USDB. Criteria for the evaluation are that the evaluation procedures meet all of the same standards as those listed in Section II. D-H of this Policy and Procedures Manual. USDB either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

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

C. Written Prior Notice

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

D. Procedural Safeguards Notice

A copy of the Procedural Safeguards is given to the parent once a year, usually at the annual IEP review, except that a copy also is given to the parent upon initial referral or parental request for evaluation, upon receipt of the first State complaint or due process complaint in that school year, and upon request by the parent at any time. USDB uses the USOE Procedural Safeguards Notice that is posted on the USOE website, www.usoe.org. The USDB program administrator provides a brief explanation of the main provisions of the Procedural Safeguards to the parents at consent for evaluation, eligibility determination, and annual IEP meetings.

This notice contains an explanation of the procedural safeguards related to independent educational evaluations, written prior notice, parental consent, access to educational records, opportunity to present and resolve complaints through State complaint or due process complaint procedures, opportunity for

USDB to resolve the complaint, availability of mediation, student's placement during pendency of hearings, procedures for students placed in an interim alternative educational setting, requirements for unilateral placement of student in private schools at public expense, hearings on due process complaints, civil actions, attorney's fees. This notice is in language understandable to the parents.

E. Parental Consent

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

F. Dispute Resolution

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

G. Surrogate Parents

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

H. Transfer of Rights

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

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

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

1. Definitions, as used in these safeguards are:

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

2. Access rights

- a) USDB permits parents to inspect and review any education records relating to their student that are collected, maintained, or used by USDB. USDB complies with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing, or resolution session, and in no case more than 45 calendar days after the request has been made.
- b) The right to inspect and review education records includes the right to:
 - (1) A response from USDB to reasonable requests for explanations and interpretations of the records;
 - (2) Request that USDB provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
 - (3) Have a representative of the parent inspect and review the records.

- c) USDB may presume that the parent has authority to inspect and review records relating to his or her student unless the school has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

3. Record of access

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

4. List of types and locations of information

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

5. Fees

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

6. Amendment of records at parent's request

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

- b) USDB, on request, provides an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. If, as a result of the hearing, USDB decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, USDB must amend the information accordingly and so inform the parent in writing.
- c) If, as a result of the hearing, USDB decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must inform the parent of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of USDB. Any explanation placed in the records of the student under this section must be maintained by USDB as part of the records of the student as long as the record or contested portion is maintained; and if the records of the student or the contested portion is disclosed by USDB to any party, the explanation must also be disclosed to the party. USDB follows the hearing procedures described in USBE SER IV.12 as written.

7. Release and disclosure of records

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

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

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

8. Safeguards

- a) USDB protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

- b) The Special Education Coordinator of USDB assumes responsibility for ensuring the confidentiality of any personally identifiable information.
- c) Staff members at USDB who collect or use personally identifiable information receive training or instruction regarding the State's policies and procedures in USBE SER IV. X and 34 CFR 99 on an ongoing basis.
- d) USDB maintains, for public inspection, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information on students with disabilities. This list is posted on the cabinet in which students' special education files are maintained and updated annually.

9. Destruction of information

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

10. Students' rights

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

J. Discipline

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

V. LEA ELIGIBILITY AND RESPONSIBILITIES

A. Participation in assessments and reporting of assessment results

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

B. Public posting of USOE monitoring results

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

C. Methods of ensuring services

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

D. Supervision

All personnel of USDB are supervised by appropriately qualified staff as determined by the USBE.

E. Use of Part B funds

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

F. Personnel standards

All special education and related services personnel of USDB meet the educator licensing requirements of the USOE for the positions in which they work, as described in the USBE SER IX. H and the Highly Qualified requirements of the USOE State Plan under No Student Left Behind and Educator Licensing – Highly Qualified Assignment (Administrative Rule R-277-510-1 through 11). All personnel necessary to carry out Part B of the IDEA are appropriately and adequately prepared, subject to the requirements related to personnel qualifications and Section 2122 of the Elementary and Secondary Education Act. USDB provides a program of professional development for all special education personnel, based on the identified skill and knowledge needs of

teachers, assistants, related service providers, and others, and including targeted training for persons working with students with specific and individual needs for academic and social behavior instruction.

G. Performance goals and indicators in the State Performance Plan

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

H. Caseload Guidelines

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

I. Enforcement

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