

Procedures for Special Education Referrals

Aiken County Public Schools

January 19, 2011

Referrals for special education evaluations of students enrolled in public schools can come from three sources. If a student has an obvious disabling condition, the principal can make a referral directly to the Director of Special Programs. School Intervention Teams can make referrals, if after following an appropriate period of intervention, a student fails to make progress. Also, parents can make referrals at any time, whether their child is in the SIT process or not.

OBVIOUS DISABLING CONDITION

If a student has an obvious disabling condition, it is typically inappropriate to delay services in order to implement interventions. Examples of obvious disabling conditions include, but are not limited to, stroke, traumatic brain injury, moderate or severe mental disability, and schizophrenia.

Steps:

A. The Principal consults with school psychologist and the student's teacher(s). They review all existing information about the student that is available and confirm that referral is appropriate. This consultation does not require a formal team meeting. "Existing information" refers to any type of relevant documentation that was already in existence at the time that the principal came to suspect that the student might have a disability. School personnel can review existing information without parental consent for evaluation. (If school personnel obtain new information, that would constitute an evaluation, which would require parental consent.)

B. The Principal contacts the Director of Special Programs to obtain approval for the referral.

C. The SIT coordinator schedules an evaluation planning meeting using the "Invitation to Evaluation Planning for Initial Referral" to invite the parent. If an IEP will be implemented at the meeting, an IEP letter should be sent to the parent as well. The required team members include the parent, a Local Education Agency (LEA) representative, a special education teacher, the student's regular education teacher, and the school psychologist. Other team members should be invited as appropriate and necessary. If an IEP will be developed, it may be appropriate to have the special education coordinator present.

D. At a minimum, the SIT coordinator gathers the following documentation so that it can be presented at the evaluation planning meeting:

1. Grades from all school years
2. District and state-wide assessment results from all school years
3. Discipline log
4. Attendance record
5. Class schedule (middle and high school only)
6. Documentation of custody or guardianship (if appropriate)
7. Surrogate parent paperwork (if appropriate)
8. Copy of the invitation letter(s) and response(s)

9. Any records provided by the parent

E. At the meeting, the school psychologist assists the team with the evaluation planning process and completes the "Evaluation Plan and Prior Written Notice of Evaluation/Reevaluation." If the parent is present, he/she is asked to sign the "Consent for Evaluation."

F. If the child will begin receiving special education services immediately, the parent is asked to sign "Consent for Initial Provision of Special Education and Related Services," and the team then uses existing information to develop an Individualized Education Program. Note that the special education teacher cannot assess the student prior to the meeting; the team must use existing information to develop the IEP.

PARENT REFERRAL

Parents may make a referral at any time, whether the child is in the SIT process, and/or whether the school feels the referral is appropriate. However, the district may choose to reject the referral if there is no reason to suspect a disability.

Steps:

A. The parent expresses a concern to school personnel, in writing or verbally, indicating that he/she thinks their child has a disability and/or indicating that they want an evaluation. This scenario would include requests from physicians or private psychologists.

B. The LEA representative, or his/her designee, interview the parent and completes the "Intake for Parent Request for Assistance." During the interview, the options are explained to the parent and it is clarified that the parent is truly requesting special education evaluation or services. The interviewer explains to the parent what will happen next in the process.

C. A copy of the intake form and the "Procedural Safeguards Notice" document are immediately given or sent to the parent, preferably on the same day as the request and interview.

D. The LEA representative consults with the school psychologist and the student's teacher(s). They review existing information and determine whether there is reason to suspect a disability. This consultation does not require a formal meeting. "Existing information" refers to any type of relevant documentation that was already in existence at the time that the parent made the referral. School personnel can review existing information without parental consent for evaluation. (If school personnel obtain new information, that would constitute an evaluation, which would require parental consent.)

E. If they determine that there is no reason to suspect a disability, the school psychologist is given copies of the existing documentation. She then uses this information to prepare a prior written notice to the parent explaining that their request has been rejected and for what reasons. The prior written notice is a legally required notice under IDEA. A record for the student is established in the Department of Special Programs.

F. If the team determines that there is reason to suspect a disability, the SIT coordinator is notified. The SIT coordinator schedules an evaluation planning meeting using the “Invitation to Evaluation Planning for Initial Referral” to invite the parent. The required team members include the parent, a Local Education Agency (LEA) representative, a special education teacher, the student’s regular education teacher, the school psychologist, and the person who will provide interventions during the evaluation process. Other team members should be invited as appropriate and necessary.

G. At a minimum, the SIT coordinator gathers the following documentation so that it can be presented at the evaluation planning meeting:

1. Grades from all school years
2. District and state-wide assessment results from all school years
3. Discipline log
4. Attendance record
5. Class schedule (middle and high school only)
6. Documentation of custody or guardianship (if appropriate)
7. Surrogate parent paperwork (if appropriate)
8. Copy of the invitation letter and response
9. Any records provided by the parent
10. “Special Education Referral Packet” cover sheet

H. At the meeting, the school psychologist assists the team with the evaluation planning process and completes the “Evaluation Plan and Prior Written Notice of Evaluation/Reevaluation.” If the parent is present, he/she is asked to sign the “Consent for Evaluation.”

I. The team reviews existing information and determines appropriate, intensive research-based accommodations and interventions to be implemented during the evaluation process. Documentation of these accommodations and interventions will need to be submitted to the eligibility team at the end of the evaluation process. If the concerns are emotional or behavioral in nature, this documentation will take the form of a functional behavioral assessment and a behavior intervention plan. Ideally, documentation of interventions includes the following components whether the concern is academic or behavioral:

1. Beginning and ending dates
2. Frequency and duration of sessions
3. Description of intervention or name of program
4. Results of diagnostic measures
5. Results of pre and post measures, including name of measure used
6. Results of progress monitoring, including name of measure used
7. Information regarding changes in intervention and the reasons why
8. Information regarding relevant events during the intervention period (ex. absences, change in medication, etc.
9. Name and qualifications of interventionist

REFERRALS FROM SIT

Anyone can refer a student to the School Intervention Team – a parent, an administrator, a teacher. Also, any student can receive assistance through SIT, even those already identified as having a disability. If a student does not respond to intensive, research-based interventions, the SIT may wish to consider referring the student for a special education evaluation.

Steps:

A. The student receives intensive interventions for an appropriate period of time and does not respond as expected. During the intervention period – and prior to a referral – the team gathers information to assist in identifying the student’s problems and developing interventions. Examples of such information include, vision, hearing, and speech-language screenings, history from the parent, educational background information, anecdotal records, observations, parent interview, and medical records. Ideally, this type of information would be gathered early in the intervention process. Obtaining this information between the time of the referral and the time of the evaluation planning meeting would constitute conducting an evaluation without informed parental consent.

B. The SIT reviews existing information and decides to refer the student for a special education evaluation. The LEA representative, the student’s teacher, and the school psychologist must be a part of this decision. “Existing information” refers to any type of relevant documentation that was already in existence at the time that the principal came to suspect that the student might have a disability. School personnel can review existing information without parental consent for evaluation. (If school personnel obtain new information, that would constitute an evaluation, which would require parental consent.)

C. The SIT coordinator schedules an evaluation planning meeting using the “Invitation to Evaluation Planning for Initial Referral” to invite the parent. The required team members include the parent, a Local Education Agency (LEA) representative, a special education teacher, the student’s regular education teacher, and the school psychologist. Other team members should be invited as appropriate and necessary.

If the student is already identified as having a special education disability, an IEP letter of invitation is sent to the parent instead of the “Invitation to Evaluation Planning for Initial Referral.”

D. At a minimum, the SIT coordinator gathers the following documentation so that it can be presented at the evaluation planning meeting:

1. Grades from all school years
2. District and state-wide assessment results from all school years
3. Discipline log
4. Attendance record
5. Class schedule (middle and high school only)
6. Documentation of custody or guardianship (if appropriate)
7. Surrogate parent paperwork (if appropriate)
8. “Vision, Hearing, and Speech-Language Screenings” (if it exists already)

9. "Demographic, Medical, Developmental, and Educational History" (if it exists already)
10. "Medical Report" (if it exists already)
11. "Anecdotal Records" (if it exists already)
12. "Educational History / Focus of Concern"
13. Documentation of interventions
 - Ideally, documentation of interventions includes the following components:
 - a. Beginning and ending dates
 - b. Frequency and duration of sessions
 - c. Description of intervention or name of program
 - d. Results of diagnostic measures
 - e. Results of pre and post measures, including name of measure used
 - f. Results of progress monitoring, including name of measure used
 - g. Information regarding changes in intervention and the reasons why
 - h. Information regarding relevant events during the intervention period (exs. absences, change in medication, etc.
 - i. Name and qualifications of interventionist
14. Copy of the invitation letter and response
15. Any records provided by the parent
16. "Special Education Referral Packet" cover sheet

E. At the meeting, the school psychologist assists the team with the evaluation planning process and completes the "Evaluation Plan and Prior Written Notice of Evaluation/Reevaluation." If the parent is present, he/she is asked to sign the "Consent for Evaluation."

F. Documentation of accommodations and interventions should continue to be kept during the evaluation process and presented to the eligibility team at the completion of the evaluation.

RECORD KEEPING

Should I keep a copy of a referral?

Yes. A copy should be kept at the school at least until the student is evaluated; see also the next section for information about when to destroy records. The originals of the forms should be given to the school psychologist at the time of the evaluation planning meeting. Once the evaluation planning meeting has been held, the referral is active and the school and district are held accountable for the length of time it takes for the student to be evaluated.

When can a student's referral file be destroyed?

Referral records may be destroyed in the scenarios listed below. Please read each scenario completely for details.

1. If the student is tested and placed in special education, the student's record **must** be destroyed. Once the student is placed in special education, the referral and accompanying paperwork becomes part of his or her special education records. Special education records are subject to different rules regarding confidentiality. Once a student is placed, records should be held only by the Department of Special Programs and the special education service providers (special education teachers, speech therapists, occupational therapist, etc.) Note: SST and special education records should never be placed in a student's permanent school file.
2. If the student is tested and does not qualify for special education services, technically, you can destroy the record since the originals will be in the inactive files at the Department of Special Programs. However, if the student is referred again for testing, you would have to request the file from special education. Therefore, you may wish to retain files for DNQ students and add to the file a copy of the evaluation report.
3. If the student has "aged out," you should destroy the records. Aging out means that either the student has graduated from high school with a regular diploma, or the student has turned 21 years of age – whichever occurs first.
4. If a parent requests that a student's SIT file be destroyed, ask them to put the request in writing. Consult with your principal and the school psychologist prior to taking further action.

How should a student's referral records be destroyed?

Records should be shredded. It is best practice to keep a list of records that have been destroyed.

What do I do with the records if the student moves out of district?

If the student has not yet had an evaluation planning meeting, notify the SIT coordinator (or equivalent) at the receiving school and then send them a copy of the record. If the evaluation planning meeting has already occurred, notify both your school psychologist and the receiving district immediately. The receiving district must follow the timeline which is already in effect. The Department of Special Programs will handle transferring the records to the receiving district.

What do I do with the records if the student moves to another school within Aiken County?

Notify the SIT coordinator at the receiving school and send the originals to him/her via the courier.

RELEVANT SECTIONS FROM THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 2006 (IDEA)

Parent means:

- (1) A biological or adoptive parent of a child;
- (2) A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;
- (3) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
- (4) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- (5) A surrogate parent

Scientifically based research has the meaning given the term in section 9101 (37) of the Elementary and Secondary Education Act.

Child Find

The state must have in effect policies and procedures to ensure that all children with disabilities in the state children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated.

Parental consent is not required before reviewing existing data as part of an evaluation or a reevaluation.

Screening for instructional purposes is not evaluation. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

A child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading, including the essential components of reading instruction. To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

The IEP team for each child with a disability includes the parents of the child; not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child; a representative of the public agency who--

- (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
- (ii) Is knowledgeable about the general education curriculum; and
- (iii) Is knowledgeable about the availability of resources of the public agency

an individual who can interpret the instructional implications of evaluation results; at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability.

The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child; and the provision of FAPE to the child. Each public agency must provide notice to ensure that parents of children with disabilities have the opportunity to participate in meetings.

Written notice that meets the requirements of this section must be given to the parents of a child with a disability a reasonable time before the public agency proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents upon initial referral or parent request for evaluation...

Protections for Children Not Yet Identified

A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part if the public agency had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. A public agency must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred -

- The parent expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
- The parent of the child requested an evaluation of the child; or
- The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

A public agency would not be deemed to have knowledge if the parent of the child has not allowed an evaluation of the child or has refused services, or if the child has been evaluated and determined to not be a child with a disability.

Conditions that apply if there is no basis of knowledge:

- If a public agency does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors.
- If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
- Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.