

AN OVERVIEW OF SPECIAL EDUCATION PROCEDURES FOR STUDENTS THOUGHT TO HAVE A DISABILITY CHAPTER 14

I. THE MULTIDISCIPLINARY EVALUATION (MDE) - INITIAL

The Referral

Referral to the multidisciplinary evaluation team (MDT) for an evaluation (MDE) of a student's needs is made to the Office of Student Services (OSS). At the elementary level, grade level data teams utilize a Response to Intervention model in order to determine if a student should be referred for an evaluation after research based interventions have been tried for an appropriate amount of time. Similarly, at the middle school level, Child Study Teams meet to discuss students that are having academic and/or behavioral difficulties and put interventions into place. If the student does not respond to the interventions, then the team makes a referral to the MDE team. At any level, a teacher, parent, or court may initiate a referral when a child is *thought* to have a disability. *Referring sources should document concerns expressed and actions taken – especially those from parents.*

Written parental consent must be obtained from **ALL** parents/guardians/surrogates that have educational rights in order to conduct an initial MDE. If a parent makes a verbal referral, then the OSS will issue the Permission to Evaluate-Request form accompanied by a Procedural Safeguards Letter and Notice to the parents to document their reason for referral. Once the OSS receives the signed Permission to Evaluate-Request form, the Permission to Evaluate-Consent form will be issued to the parents.

The Permission to Evaluate-Consent form must list the reason for referral and the procedures to be used to evaluate the student (assessment of intellectual functioning, assessment of academic achievement, assessment of communication skills, ecological assessment, physical therapy assessment, etc). The Permission to Evaluate-Consent form must also be accompanied by a Procedural Safeguards Letter and Notice. A request for parental information will be sent with the Permission to Evaluate-Consent form.

The Process

The Office of Student Services (OSS) secures parental permission using the state promulgated Permission to Evaluate-Consent form. Once parental permission is secured, the School Psychologist, or the designee, will arrange for staff and specialists to gather data and participate as team members.

A structured MDT meeting is not required: however, the district has the option to hold such a meeting. (MDT meetings are usually held for initial referrals.) Any MDT meeting should include the parent as a team member. *Efforts to secure parent participation need to be documented.* If unable to attend an MDT meeting, the parent or any member may participate by phone or by submission of written information.

If no MDT meeting is held, the School Psychologist will synthesize data from the various team members, including the parent information and circulate the report for signatures. In the case of the “speech only” evaluation, the Speech Clinician will synthesize the data and circulate the report for signatures.

The multidisciplinary evaluation team (MDT), which consists of a group of qualified professionals and the parent of the child, considers all evaluation data and determines whether the student has a disability and whether the student is in need of specially designed instruction. If both determinations are made, the team then makes recommendations regarding special education and related services needed to enable the child to meet goals and to participate, as appropriate, in the general curriculum. The MDT shall include a certified School Psychologist when evaluating a child for Autism, Emotional Disturbance, Intellectual Disability, Multiple Disabilities, Other Health Impairments, Specific Learning Disability, or Traumatic Brain Injury.

The Evaluation Report (ER)

The multidisciplinary evaluation is to be completed and the Evaluation Report finalized and disseminated to team members within 60 calendar days of the date the district received the parents’ written consent to begin the evaluation. This 60 calendar day timeline does not include the summer break.

The School Psychologist will act as recorder or assign a recorder to write the report. If a meeting is held, the report can be finalized at the meeting. If no meeting is held, the recorder synthesizes information from all MDT members to create the report. If no meeting is held, the recorder is responsible to circulate the report to all team members.

When evaluating a student suspected of having a Specific Learning Disability, the signature page may be signed prior to the close of the MDT meeting or may be circulated with the draft report. Each member will indicate, “agree”

(yes) or “disagree” (no) with the report and sign their name and title. A YES/NO response is only mandated for students suspected of having or having a Specific Learning Disability. Otherwise, only a typed name and title is needed.

If a team member disagrees with the report, s/he is encouraged to write the reason for their disagreement in the form of a dissenting opinion. Dissenting opinions are to be given to the chairperson within five (5) school days. Dissenting opinions are attached to the final typed ER and considered by the IEP team.

II. INDIVIDUALIZED EDUCATION PROGRAM (IEP)

A period of 10 school days must occur between the ER and IEP Team meeting, however, the parent may elect to proceed with the IEP before the expiration of this 10-day period. Documentation of parental decision to waive the 10-day period must occur.

The IEP process requires a structured meeting to be held at a mutually agreed upon time and date. An IEP team meeting must be held if the MDT found the student to have a disability and be in need of specially designed instruction. The meeting must be held within 30 calendar days of the date of the Evaluation Report (ER). The state promulgated “Invitation to Participate in the IEP Team Meeting or Other Meeting” must be sent to the parent and other team members prior to the proposed meeting date and time. A ten-day notice is recommended. *All efforts to secure parental participation in the IEP team meeting must be documented.*

The Supervisor of Special Education and Student Services or the Building Principal will serve as the Local Educational Agency (LEA) representative. The LEA must be a member of the IEP team and is the recommended chairperson of the team. Other required members of the team are the student’s parents, at least one special education instructor*, at least one regular education instructor*, an individual who can interpret the instructional implications of the evaluation results, and the student if s/he is of transition age (14 years of age or older during the duration of the IEP). **The special educator and regular educator should be persons familiar with the child.* A single person may fill more than one role at the meeting.

The IEP team will review the information and the conclusions documented in the Evaluation Report (ER) and design an educational program for the student that is based upon the evaluation data. This program is to allow the student to be successful in the general curriculum and will outline needed supports and services and the location of intervention.

The chairperson will assign a member to write the IEP. The IEP may not be finalized prior to the meeting.

IEP team members will sign the IEP at the start of the meeting. Signatures on an IEP document attendance at the meeting and not agreement.

The IEP is to be implemented within 10 calendar days of its completion, or sooner, with parental approval on the Notice of Recommended Educational Placement (NOREP).

The IEP must be reviewed on an annual basis.

An IEP team meeting is not held if the MDE determines that the child does not have a disability. A Notice of Recommended Educational Placement (NOREP) is issued with the finalized Evaluation Report (ER).

The copy of the IEP may be presented to the parent at the conclusion of the IEP team meeting. If the parent was not in attendance, a copy of the IEP must be sent certified mail or delivered in person with the Notice of Recommended Educational Placement (NOREP).

III. NOTICE OF RECOMMENDED EDUCATIONAL PLACEMENT (NOREP)

The NOREP is issued by the Supervisor of Special Education and Student Services. The Superintendent or his board appointed designee signs it. The NOREP will summarize the recommendation for the student's educational program.

The student's disability, if any, will be noted in the narrative sections of the document.

If mailed, a return envelope should be included for convenience.

Special education services are effective as soon as possible after agreement on the NOREP but no longer than 10 calendar days following the development of the IEP unless parent approval is not received within 10-day. Parental approval on initial placements is required.

Follow-up is necessary for any NOREP which is not returned, or on which a disagreement is noted. A student cannot begin to receive special education services without a NOREP signed by the parents/guardians/surrogates that indicates agreement with the recommended educational placement.