



STUDENT SUPPORT MANUAL

August 2023 (*Revised*)



Arlington
Public
Schools

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ACKNOWLEDGMENTS

Arlington Public Schools (APS) wants to acknowledge and thank all of the staff members, parents/guardians, and community members who helped create this manual.

In the spring of 2018, a collaborative group of both staff and families began to create a vision to streamline processes that support our students. Over the course of a year and a half, we worked together to create this reference.

APS also wants to acknowledge the support and feedback from the Public Consulting Group (PCG) who additionally helped with the creation of this manual.

Lastly, APS is grateful to the Chicago Public Schools system for allowing us to use many aspects of their *Procedural Manual*.

DEAR APS STAFF AND FAMILIES:

The Arlington Public Schools is committed to ensuring every student receives high-quality instruction in safe, healthy, and supportive learning environments. Additionally, we are committed to the Arlington Public Schools (APS) Vision, “to be an inclusive community that empowers all students to foster their dreams, explore their possibilities, and create their futures.” To accomplish this, APS utilizes several collaborative, innovative, and thoughtful processes both at the district and school level.

This manual’s purpose is to provide guidance on how to implement consistent, high quality, data driven, legally compliant support for students, including special education and related services, across the entire APS system. The intended audience for this manual is primarily APS staff; however, this manual will also be available to families.

The Student Support System is the umbrella under which several processes may occur when a student needs additional support. At any point, a parent can make a referral to the Student Support Team.

This manual outlines :

- Roles and responsibilities for individual participants in each process;
- Roles of the Collaborative Learning/Teacher Team (CLT); and
- The role of the Student Support Team (SST) which can include:
 - Creation of an individual intervention plan, formerly developed by a team called an Intervention Assistance Team (IAT)
 - Referral for an evaluation for Special Education, formerly conducted by a Student Study Committee - (SSC)
 - Consideration of Section 504 Eligibility

APS is committed to providing all students with supports and interventions through the Arlington Tiered System of Support (ATSS) in order to provide a framework that encompasses both the academic and social/emotional dimensions of learning. The ATSS framework is a key part of APS’ broader strategy to support ALL learners and ensure equitable access to a robust, high quality education.

Additionally, APS ensures that students with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment (LRE), resulting in improved outcomes for students with disabilities. Working in partnership with schools, staff, and families, APS provides the tools, guidance, support, and services necessary to ensure that all students with disabilities receive meaningful, rigorous, and relevant instruction that prepares them for success in college, career, and community.

By design, this manual is intended to:

1

Provide guidance and resources to support students within the tiered system of support in order to ensure that students receive early and targeted intervention as needed.

2

Provide essential guidance related to the special education process, including referral, evaluation, and Individualized Education Program (IEP) development.

3

Provide clarity for the professionals who implement procedures, and clearly delineate their roles and responsibilities.

4

Ensure necessary data is collected to enable all SST and IEP teams to have an informed and meaningful discussion in light of the student's unique circumstances.

5

Establish a structure of accountability.

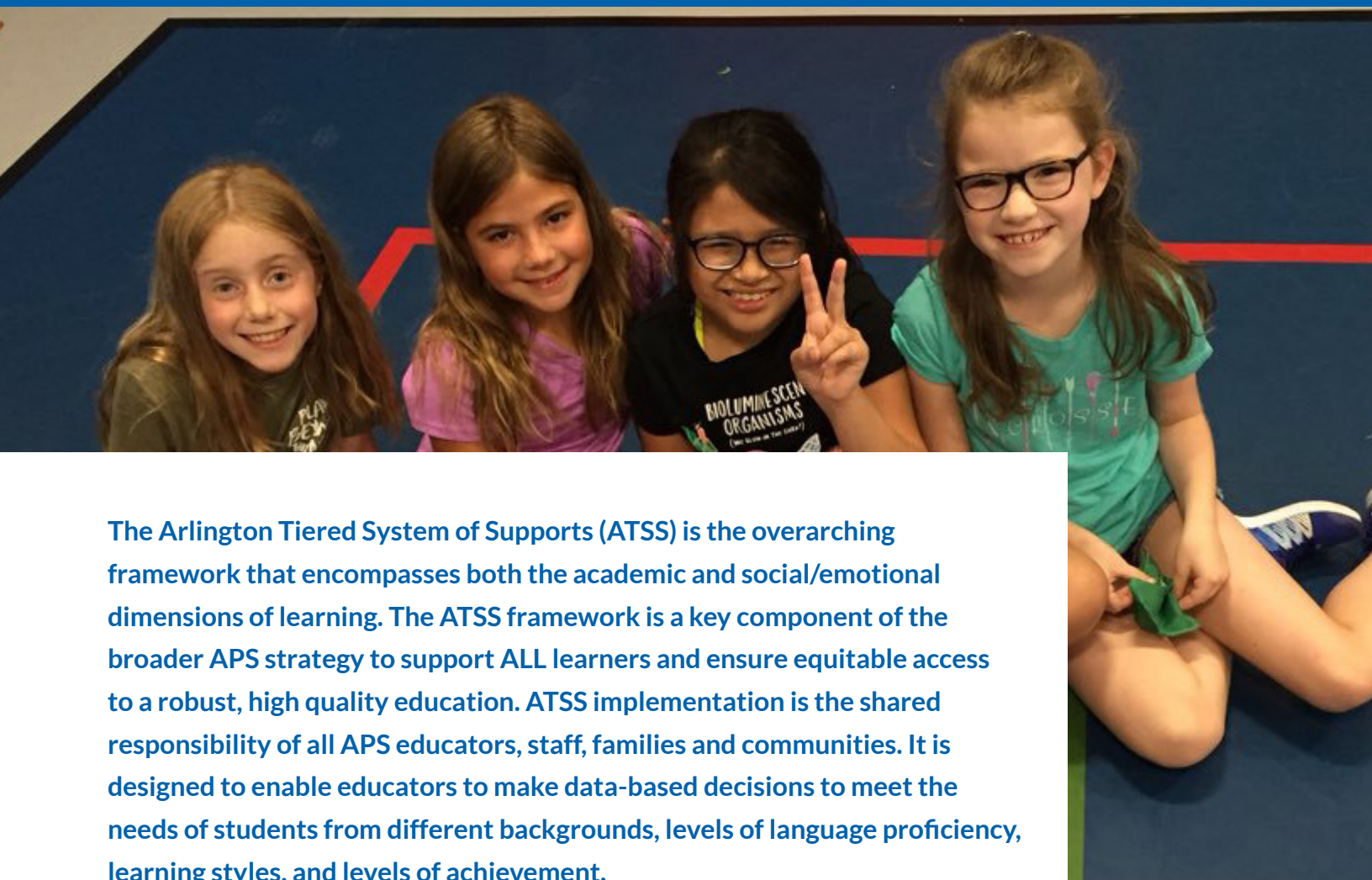
We hope this manual will answer questions and guide CLTs, student support teams and IEP teams in making appropriate data-driven decisions on how to support all students with diverse needs. Should the policies, procedures and guidelines be modified at any point, an updated version will be posted with a new date.

01

ARLINGTON TIERED SYSTEM OF SUPPORT (ATSS*)

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The Arlington Tiered System of Supports (ATSS) is the overarching framework that encompasses both the academic and social/emotional dimensions of learning. The ATSS framework is a key component of the broader APS strategy to support ALL learners and ensure equitable access to a robust, high quality education. ATSS implementation is the shared responsibility of all APS educators, staff, families and communities. It is designed to enable educators to make data-based decisions to meet the needs of students from different backgrounds, levels of language proficiency, learning styles, and levels of achievement.

The ATSS framework embraces the importance of engaging families and the community in a collaborative partnership. Effective partnerships include students, parents/guardians, families, community members and educators. A positive and welcoming school environment fosters family engagement, improves student outcomes, and is conducive to accelerated learning.

The ATSS framework, designed to provide high quality, differentiated instruction and targeted support for student needs in all school and classroom settings, includes both direct and explicit instruction, and other interventions with targeted supports for those students who require additional, explicit and more focused instruction to meet academic and behavioral standards. The framework is based upon providing increased

instructional time and increased intensity of academic and/or behavioral supports as identified to meet student needs. Specific student needs are identified and supported early and effectively.

Guided by multiple data points, the implementation of ATSS provides cohesive structure to APS' priority of meeting the academic and social/emotional needs of all students, including those with disabilities, English Learners and gifted students.

Analysis of progress-monitoring data allows for students to move fluidly between tiers, depending on their progress (rate of improvement). Progress-monitoring tools support teachers' assessments of student development and intervention effectiveness and help teachers make decisions on the



Whenever there is a reason to suspect a student may have a disability and be in need of special education and related services, the student is not required to complete a specific number of weeks or levels of ATSS or other response to interventions before a referral is made for an evaluation for special education. This decision should always be made on an individual basis.

frequency, intensity, and duration of a particular intervention.

The length of time a student receives an intervention depends on such factors as: the skill to be learned; the gap between the desired outcome and current level of proficiency and the time needed to close that gap; and/or student age and/or developmental level. Most importantly, the length of time that a student receives an intervention depends on the student's rate of progress and response to that intervention. Protocols define: individuals who may provide interventions; the settings in which the interventions may occur; characteristics that interventions must possess to ensure they are evidenced-based at various levels of intensity; parameters for the minimum length of the intervention sessions, number of interventions per week and duration; and criteria for determining when the intervention is terminated.

The focus of ATSS is to address the whole child and those supports the student may

need to be successful both academically and social-emotionally. The ATSS framework uses a data decision-based model within Professional Learning Communities (PLCs), to analyze data, identify students who are in need of remediation or extension, and create timely action plans.

Emphasis will be on evidence-based core (Tier 1) instruction with additional Tier 2 and 3 interventions and extensions for students who need them to create a unified system of timely responses for all students to achieve success. A system of interventions for academic, behavioral, and social-emotional needs that can increase in intensity and duration provide necessary help and support for all students to be prepared for college and career.

The focus of ATSS is to address the whole child and those supports the student may need to be successful both academically and social-emotionally.



KEY ATSS PRINCIPLES



Differentiated and scaffolded Tier 1 or core instruction is provided for every student



Instruction is tailored to the individual learner's needs



Data-based decisions are used to inform instruction and monitor progress



Schools employ a collaborative culture fostered in their CLTs to answer the following questions:

1

What do we want students to know and be able to do?

2

How will we know if they have learned it?

3

What do we do if they have not learned it?

4

What do we do if they have learned it?



Academic, behavioral, and social emotional needs are addressed



Students receive timely interventions and extensions at the first indication that they are in need of more support



Evidence-based interventions and instruction is implemented



Fidelity of implementation is confirmed



Students are monitored frequently



Parental involvement is documented and encouraged in all steps of the process

BENEFITS OF ATSS

- ➔ Improves outcomes for ALL students
- ➔ Provides proactive early intervention
- ➔ Ensures instruction, interventions and extensions are data-driven
- ➔ Encourages collaboration among educators, families and community stakeholders
- ➔ Addresses some needs without formal evaluations
- ➔ Fosters partnerships with experts in the fields of mental health, social services, medical, juvenile justice, and cultural domains when needed
- ➔ Provides academic and behavioral supports within the general education setting
- ➔ Provides support to teachers
- ➔ Prevents over-referral to special education

STUDENT SUPPORT IN APS

PHASE 1

TEACHER



PHASE 2

COLLABORATIVE LEARNING/ TEACHER TEAM (CLT)



PHASE 3

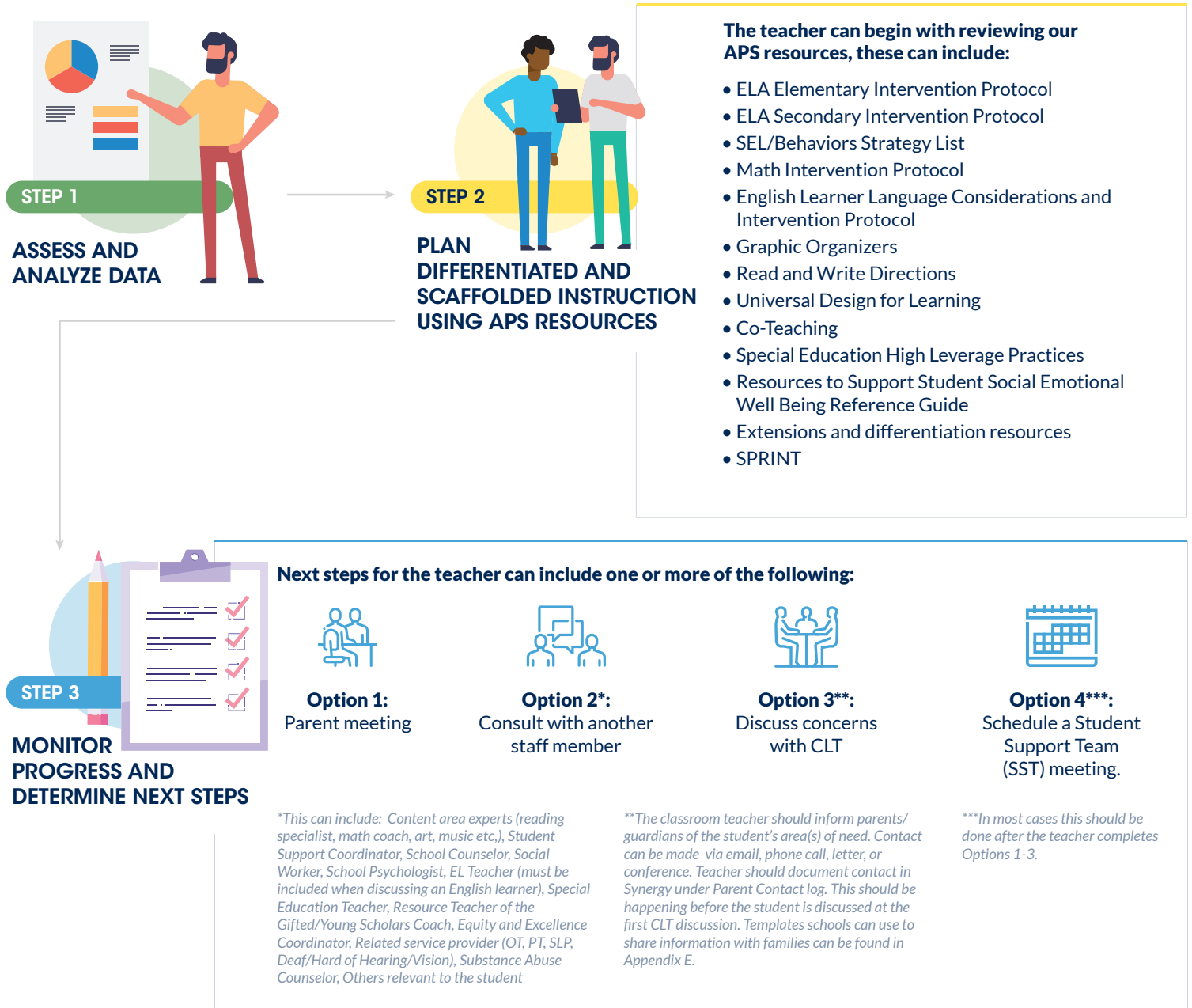
STUDENT SUPPORT TEAM (SST)

- Intervention Plan
- Evaluations for Special Education
- Section 504 Screening



STEP 1 TEACHER

When there is an academic, social-emotional or behavioral concern about a student, the expectation is that a teacher begins to implement supports within the classroom setting.



Speech Pre-Referral Intervention (SPRINT) for Articulation:

The Arlington SPRINT Program is for general education students who have mild articulation differences that do not impact communication, self-esteem and/or educational achievement. First, a child will be informally screened by a Speech Language Pathologist. Results of this screening will be shared with staff and parents/guardians. If a child meets the criteria for the SPRINT Program sessions will begin after informing the parents. All Speech Language Pathologists will use research-based interventions for articulation. Practice methods are individualized for each student as appropriate. Exiting the program occurs when the student produces the target sound (s) 75% accurate at the sentence level.

CONTENT AND PROGRAM SPECIFIC CANVAS COURSES

Log in to the Parent Observe Account for individual course information.

Arts
https://apsva.instructure.com/enroll/PD3WGR
Assessment
https://apsva.instructure.com/enroll/G3WKBH
ATSS
https://apsva.instructure.com/enroll/KMXHJT
Career & Tech Ed (CTE)
https://apsva.instructure.com/enroll/797YJP
Early Childhood/Virginia Preschool Initiative (VPI)
https://apsva.instructure.com/enroll/J6NEFN
English Language Arts
https://apsva.instructure.com/enroll/GBFFJP
English Learners (ELs)
https://apsva.instructure.com/enroll/HX6PPG
Health & Physical Education
https://apsva.instructure.com/enroll/8AEKRA
Gifted Services
https://apsva.instructure.com/enroll/N8LBCN
Math
https://apsva.instructure.com/enroll/HRD6FA
Science
https://apsva.instructure.com/enroll/FMLH7M
Social Studies
https://apsva.instructure.com/enroll/YFTK8B
Special Education
https://apsva.instructure.com/enroll/68KYXF
STEM (Secondary)
https://apsva.instructure.com/enroll/AJW4HB
Student Support Process
https://apsva.instructure.com/enroll/KM3JF3
World Languages
https://apsva.instructure.com/enroll/BHB44A

STEP 2

COLLABORATIVE LEARNING/ TEACHER TEAM

If, after implementing some supports within the classroom, the student is not making progress, the teacher should confer with the Collaborative Learning Team (CLT). The CLT consists of teachers who engage in ongoing analysis of evidence of student learning for both academic and social-emotional needs. Collaborative teams respond to students who are experiencing difficulties, extend learning for students who are proficient, inform and improve the individual and collective practice of each member, identify team professional learning needs, and measure progress toward goals.

HOW THE TEACHER CAN PREPARE

Before the CLT meeting, the referring teacher should prepare a variety of information and materials to share. Teachers should fill out information ahead of their scheduled team meeting and coordinate with any additional members that need to be invited to this meeting for the student discussion aspect. Information to be prepared ahead of time includes:



Identify Specific Concern

Behavioral
Social/emotional
Academic
Hearing, Vision,
Motor, Speech
Attendance



Document strategies / interventions

Tried and outcome (with data). What has been done and for how long?

Interventions or Extensions
tried/data outcome

Strategies tried/outcome

Accommodations
tried/outcome



Assessment Data

Data outcomes from previous
strategies or interventions

Screening data from PALS,
Reading Inventory, Math
Inventory, CogAt, NNAT-III

Formative and Summative
Assessment data



Inviting Specialists*

CLTs should be sure to invite
other team members to
the discussion based on the
needs of the student. *If the
student is an English Learner,
Special Education and/or
gifted student, the teacher in
this area who works with the
student must be part of the
team meeting.

* INVITATIONS MAY ALSO INCLUDE:

- Content area experts (reading specialist, math coaches, art, music etc,)
- Student Support Coordinator
- School Counselor
- Social Worker
- School Psychologist
- EL Teacher*
- Special Education Teacher*
- Resource Teacher for the Gifted/Young Scholars Coach
- Equity and Excellence Coordinator
- Related service providers (OT, PT, SLP, Deaf/Hard of Hearing/ Vision)
- Substance Abuse Counselor
- Others relevant to the student

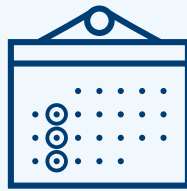
INITIAL CLT MEETING AND THE IMPLEMENTATION OF THE STUDENT CONCERNS PROTOCOL

It is recommended that each collaborative team determine a process for addressing students' needs. To help guide the discussion of student concerns, it is recommended that teams use the following discussion protocol template: [Protocol for Addressing Student Concerns](#). Additionally, teams could reference this [Sample Agenda](#).

OTHER DISCUSSION OPTIONS MIGHT INCLUDE:



Allocating 7-10 minutes at each CLT to discuss/focus on individual student concerns



Convene weekly CLTs, with one focused on academic issues and the second focused on SEL/behavioral needs



Designate time once per month for a team to focus on specific student concerns to collaboratively problem solve on student needs.



ATSS PROCESS WITH THE CLT FRAMEWORK

START

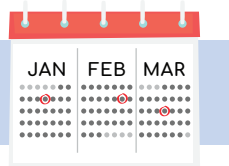
ALL STUDENTS RECEIVE UNIVERSAL SCREENING.

Additional data can be included with the universal screening data (i.e., formative and summative assessments, teacher observation, attendance, office referrals)



Collaborative Learning Team (CLT) (grade-level/content teachers & relevant specialists) review data (academic, behavioral, and attendance). CLT determines students needs and if students need an additional intervention. CLT can use the intervention protocol to help select appropriate interventions.

Implement Interventions (5-6 weeks)



CLT reconvenes to analyze the progress of intervention(s)

Teams determine who will deliver intervention(s) and monitor progress. **This needs to include frequency, duration and intensity and what tool will be used to monitor progress.** Designated person will enter data into ATSS intervention system.



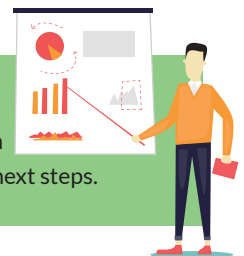
Was the intervention successful?

YES

Continue with interventions

NO

Implement, monitor and enter intervention progress into intervention data system and reconvene to discuss next steps.



Modify/change intervention

CLT decides to make a referral to the SST. Teacher/Team completes the SST referral form

Implement, monitor and enter intervention progress into intervention data system and reconvene to discuss next steps.



CREATION AND DOCUMENTATION OF PLAN FOR STUDENT

THE CLT SHOULD DOCUMENT THE IDENTIFIED SUPPORTS IN ONE OF TWO WAYS BASED ON THE SPECIFIC SUPPORT:

- ➔ Synergy Intervention System (SIS) for OG and LLI. See the Canvas course on ATSS for training on the SIS.
- ➔ CLT Student Documentation log
 - Revisit progress every 2-4 weeks
 - Sample CLT Documentation Log Below

Teacher:

What days will you meet with student(s)?

Time of day:

Student Name(s)	Focus of Group	Instructional Strategies/ Intervention Used	Progress Monitoring	Baseline Data	Outcomes	Next Steps

THE CLT SHOULD:

- ✓ Establish baseline data
- ✓ Set an outcome goal
- ✓ Identify potential interventions/strategies and implement with fidelity
- ✓ Determine who will implement intervention/strategy
- ✓ Frequency
(how often it will occur within each week)
- ✓ Duration of intervention
(minutes per session)
- ✓ Length
(How long the intervention will take place)
- ✓ Determine how progress will be monitored
- ✓ Determine how often progress will be monitored
- ✓ Determine when to convene to discuss progress and next steps

PROGRESS MONITORING

Progress is defined as gaining skills in a specific area. Adequate progress, in the context of interventions, to address areas that fall below grade level, means reducing the discrepancy between the identified skills of the targeted student and those of his/her peers, as indicated by specific data collected from both the individual and the peers. A student who responds to intervention in a manner and rate that over some time will bring the student into alignment with classmates is making “adequate progress.” A student who is making progress, but at a rate that does not reduce the gap, may require an increased level of intervention or possible consideration for evaluation for special education.

Student progress monitoring helps teachers evaluate how effective the instruction or intervention is for the student. After the teacher sets a measurable goal related to the student’s area of need and begins instruction, progress monitoring of the goals should occur each week or every other week. The progress monitoring tool should match the student’s area of need and be able to measure small increments of progress toward the desired outcome/goal. With each progress monitoring assessment, the teacher compares how much the child is expected to have learned to the child’s actual rate of learning.

After each weekly/biweekly assessment, the teacher notes student’s performance level and compares it to previous measurements and to expected rates of learning.

Student progress monitoring helps teachers evaluate how effective the instruction or intervention is for the student.



CLT FOLLOW-UP

CLT will meet again to discuss student progress after 5-6 weeks of implementation to determine next steps.

If the intervention is successful and the student is making progress, then the CLT should continue with identified support or discontinue and monitor the student if the goal has been met.

If the intervention is not successful and the student is not making progress, then the classroom teacher should make a referral to the Student Support Team (SST) to schedule a meeting.

STEP 3

STUDENT SUPPORT TEAM MEETING

PURPOSE

The purpose of the SST is to problem solve next steps to support the student. If supports and/or interventions implemented are not successful after a period of time (typically 5-6 weeks) and the student is not making progress, then the classroom teacher should make a referral to the SST to schedule a meeting.

EXPECTATIONS OF THE SCHOOL BEFORE STUDENT SUPPORT TEAM REFERRAL IS MADE BY A STAFF MEMBER

Before a teacher or staff member refers a student to the SST, teachers, grade-level teams or content teams must have assessed the student's specific area of difficulty (e.g., PALS, RI, MI, quarterly assessments, running records, fluency assessments, writing samples, etc.).

The teacher must also have implemented appropriate strategies to address areas of difficulty and provided accommodations or interventions within core instruction to address the problem before a referral is made. The initial problem-solving process should occur during the team/content CLT. The teacher will contact the student's parents/guardians to discuss concerns about the student. It is critical that grade level/content teams use their CLT time to begin to problem-solve and put strategies in place. During this time, teams should collect data to monitor the effectiveness of the strategies and accommodations put into place and/or invite additional staff members to the CLT to help brainstorm possible strategies, interventions and/or accommodations to implement.

AFTER REVIEWING DATA AND THE REASON FOR REFERRAL, THE SST WILL PROCEED WITH ONE OF THREE POSSIBLE PATHS OF SUPPORT.



Additional interventions are needed – A more formalized intervention plan is needed and the SST creates an intervention plan.



A documented disability/medical condition already exists and the SST determines that a Section 504 screening is needed.



A disability is suspected and the SST recommends an evaluation be conducted to determine special education or Section 504 eligibility.

MAKING AN SST REFERRAL

PARENT/GUARDIAN REFERRAL REQUEST

If a parent/guardian has a concern about their student or requests testing due to a suspected disability, the school must schedule an SST meeting within 10 business days. Staff are encouraged to refer families to the Parent Resource Center (PRC) to learn more about the SST process, and prepare to be active and engaged members of their child's educational team.

STAFF REFERRAL

At this stage, the teacher has assessed the student's area(s) of difficulty and tried to address the problem within the class setting. The teacher has already contacted the student's parents/guardians to discuss concerns about the student. An SST meeting should not be the first time a parent/guardian is notified that the student is having difficulty.

TEACHER FILLS OUT AN SST FORM

The teacher fills out a form, describing in specific terms what the concerns are for the referred student. This information sheet helps the team begin to identify the problem, and helps to prepare the teacher for the types of information that they/they will be asked during the first SST meeting. The questions on the SST information sheet are intended to help gather information about a broad range of issues including:

- general information about the student (i.e. name, age, grade, etc.)
- specific information related to the student's area(s) of difficulty
- specific information related to the student's area(s) of strength
- medical information relevant to the referral (i.e. vision, hearing)
- past intervention efforts
- current grades and testing information

If the student's first/primary language is not English, the English Learner Language Considerations and Intervention Protocol should have been utilized during the CLT and results should be shared during the meeting.

If necessary, the teacher or reading specialist may conduct a Developmental Reading Assessment (DRA) or Fountas/Pinnell (F/P), to provide the most current information. Quarterly assessment information should be provided as well as relevant copies of student work samples.



Referrals can be initiated by a staff member or family member. Please consult with the administrator of the school for the referral form.

PARENT(S)/GUARDIAN(S) NOTIFICATION OF SST REFERRAL

The school informs the student's parent(s)/guardian(s) of the intent to refer the student to the SST. When a meeting is scheduled, the school needs to inform the parent(s)/guardian(s) that the meeting could result in one or more of the following possible outcomes being determined:

- 1** An ATSS **individual intervention** plan is needed
- 2** A **screening for 504 eligibility** is warranted; and/or
- 3** An **evaluation for special education** is warranted

The SST meeting should be held and occur within 10 business days from the date the referral was made.

SST MEETING PREPARATIONS

Once the referral form is completed and submitted, the SST chair or designated staff reviews the form.

Initial information collection: Based on information, the SST chair may begin to further investigate the concern(s) described on the referral form; may decide to conduct an observation; and/or may ask for additional assessments to be given to be able to present a complete profile of the student at the time of the meeting.

SST designee schedules a meeting. School staff will issue a written meeting notice indicating the purpose, date, time, and location of the meeting and who will be in attendance.

Invite SST team members:

Invitations should be extended to the multidisciplinary members of the Student Support Team as listed below:

Team members:

- Parent(s)* (*even if they call in*)
- Classroom teacher who has knowledge of the student *
- SPED teacher*
- Administrator/LEA*
- School Psychologist*
- Social Worker*
- School Counselor (*Middle and High school*)
- Student Support Coordinator
- Nurse

(*Mandated)

Should be invited based on referral need:

- Content expert (*academic or SEL/Behavior*)
- SLP/OT/PT
- Hearing/Vision Specialist
- School Counselor (*Elementary*)
- EL Teacher
- Resource Teacher for the Gifted/Young Scholars Coach
- Interpreter
- Substance abuse counselor (*Secondary*)
- Equity and Excellence Coordinator



SST MEETING MEETING PROTOCOL

The initial SST meeting should be used to define the academic, behavioral, or social emotional concerns. The SST will follow the SST Meeting Protocol which uses the Problem Solving Approach, the stages of which are illustrated below.



STAGE 1: DEFINE - WHAT IS THE PROBLEM?

A review of student data at the district, school, class or individual level will reveal patterns in learning and behavior. These patterns are used to develop system norms for expected student progress. Schools will use these norms to identify students not meeting their individual expected potential. The use of a Universal Screener, formative assessment, quarterly benchmarks, and other forms of assessment are critical to identifying students who may need additional assessments or supports.

These problems should be stated in clear, observable, measurable terms. The frequency, duration, intensity and/or latency of the behavior(s) should be recorded as well (if possible). The team also lists student strengths that might be useful during intervention planning.

Next, the team selects one or two problems based on severity or importance. When identifying which problems will receive immediate attention, ask the question, "What problem(s) interferes with the teacher's ability to teach and the student's ability to learn?" It cannot be overemphasized how important it is to define the problem(s) in clear, observable, measurable terms. Avoid describing traits and subjective statements.

A deep review of student and teacher historical data will guide this decision. The team will create a specific plan to include progress monitoring, growth expectations, and timelines to evaluate progress. Professional Learning supports should be in place to ensure and monitor that the interventions are implemented with fidelity.



Information sources and baseline information collected prior to the initial meeting may help SST members define the area of need (s) appropriately.



STAGE 2: IDENTIFY - WHY IS THIS HAPPENING?

The Problem Solving Approach suggests a deep look at the reasons why learning is not occurring at the rate expected for the identified student. Various data should be analyzed and core instruction should be evaluated for rigor, differentiation, engagement and cultural considerations. Explicit systematic and differentiated instruction should be occurring in all classrooms. Research-based instructional strategies, teacher modeling, and student and teacher feedback are the foundation of standards-based classrooms. The uses of formative assessment to guide instruction, along with appropriate student engagement and management skills, are requirements in all classrooms in Arlington. Professional Learning Communities (PLCs) serve as the foundation for a Collaborative Learning Team (CLT) to learn and support each other to focus on student learning. Collaborative teams can determine what is preventing the student from learning.

EXAMPLES CAN BE:

- need for different instructional approaches
- skill development
- additional time needed
- engagement/motivation
- behavioral
- social emotional
- attendance
- need for accommodations

There are different areas that the team can identify. The following list contains areas SST members may contemplate when trying to identify variables that if and when altered, could lead to improved student outcomes for the target student. This is not an exhaustive list.



CURRICULAR

modification changes in the sequence of objectives, methods of instruction, or materials used may improve student outcomes



INSTRUCTION

change in the delivery of the curriculum (i.e., correction techniques, monitoring, questioning techniques, presentation of information, work with reading teacher, counselor, etc.) may lead to improved student outcomes



ENVIRONMENTAL

student's environment may address variables such as the physical set-up of the classroom or the technology available during certain periods of the day that may lead to improved student outcomes



STUDENT SKILLS

prerequisite skills need to be taught before the student can be successful in the identified area of focus

Parent/Guardian Participation

During the SST meeting, parent(s)/guardian(s) will have an opportunity to share pertinent information. Some guidance questions to discuss with parent/guardian during the meeting may include:



Discuss your child’s strengths, areas of interest, study habits at home, and perceptions of school.

What are the results from the student’s vision and hearing screenings? (If applicable)

Have you noticed any changes over time?

Is there information related to medical or social emotional needs?

What are your concerns about your child?

Is there a family history of any disabilities?

Has the student experienced any traumatic events that may impact their learning or social emotional well-being?



ENGLISH LANGUAGE CONSIDERATIONS

When discussing an English Learner, the team should consider 7 Factors in deciding what supports the student may need. *Guidance for what data to examine when considering the 7 Factors.*

Seven Integral Factors That May Influence ELs’ Linguistic and Academic Development

Each of these seven factors can be complex, multilayered, and different for each student. (Adapted from Assessment, TWIN Academy, June 28, 2017 who cited: Hamayan, Marler, Sanchez-Lopez & Damico, Special Education Considerations for English Language Learners, Delivering a Continuum of Services, Caslon Publishing, 2007)

Learning Environment Factors: Encompass teachers’ preparation and presentation of materials, resources available, program design, range of services offered, value placed on the native language and culture, and characteristics of instruction and assessment.

Academic Achievement and Instructional Factors: Comprehensive term for the student’s performance in all content areas.

Oral Language and Literacy Factors: Consider the student’s oral language and literacy development in both the home language and the second language. Interventions that focus on language and literacy must be contextualized in a way that is meaningful to the student, must make developmental sense, and must support literacy in the student’s native language.

Personal and Family Factors: Socioeconomic status, family dynamics, expectations, the student’s interests and motivation,

experiential background, and parental involvement.

Physical and Psychological Factors: Include medical conditions, impaired vision or hearing, malnutrition and chronic hunger, chronic pain due to untreated medical conditions, post-traumatic stress syndrome, fear, psychological stress, social and emotional development and feelings of belonging.

Previous Schooling Factors: Include the amount and quality of previous schooling in both English and the student’s native language, as well as the congruence of educational approaches that the student has experienced.

Cross-Cultural Factors: Consider the impact of culture on learning, and the multiple determinants of culture and its dynamic nature as the student adapts to a new set of norms and values.



ADDITIONALLY, THE TEAM CAN ASK THESE QUESTIONS:

- | | | | |
|---|---|--|--|
| If the student is an English Learner (EL), are the language delays typical of English Learners such as: hesitant speech, use of gestures, use of single words or phrases, refusal to answer questions (silent period), limited recall and limited vocabulary? | What supports has this student received, in what setting, and for how long? | Is the child progressing as would be expected according to grade level expectations? | Is the child’s rate of growth comparable to other ELs who have had similar backgrounds and language support? |
|---|---|--|--|



STAGE 3: DEVELOP - WHAT IS OUR PLAN?

After a robust discussion, the SST team may determine to:



OPTION 1: DEVELOP AN ATSS INTERVENTION PLAN

The SST will determine what support the student needs for an intervention plan. Parents/guardians will learn what intervention or support will be put in place to support their child with the expectation that frequent progress updates will be shared during the duration of the intervention plan. The frequency should be discussed and agreed upon during the meeting.



OPTION 2: CONDUCT A 504 SCREENING

If the team determines there is enough data to move forward with a 504 screening, the team will conduct the screening during the meeting.



OPTION 3: REQUEST PARENTAL CONSENT TO CONDUCT FORMAL EVALUATIONS TO DETERMINE IF A DISABILITY EXISTS FOR DETERMINATION OF SPECIAL EDUCATION OR SECTION 504 ELIGIBILITY

If the team determines there is enough data to move forward with an evaluation for special education or Section 504 eligibility, the team will obtain parental consent to move forward with those processes. Even if the decision is to move forward with evaluations for special education or Section 504, the school team needs to provide supports and intervention during the 60-day timeline in which evaluations are to be completed.



STAGE 4: PLAN CREATION/EVALUATION/FOLLOW UP

Time Frames



OPTION 1: EVALUATE (OR FOLLOW UP ON) ATSS INTERVENTION PLAN

ATSS Intervention Plans should be followed up within 5-6 weeks to review student progress and determine next steps.



OPTION 2: CONDUCT A 504 SCREENING

If the committee concludes that there is enough documentation to determine that a disability exists, then the process should proceed to Section 504 eligibility. A separate meeting could be scheduled for plan development, if a Section 504 plan is warranted.



OPTION 3: SPECIAL EDUCATION OR SECTION 504 ELIGIBILITY

Eligibility team will re-convene within 60 business days to determine if a disability exists and the student requires specially designed instruction and/or accommodations.



For example, if a student has a medical diagnosis of diabetes, then there may be enough documentation to determine eligibility under Section 504. However, developing the plan might be scheduled for a separate meeting, perhaps with a smaller group, in the near future.

SST OPTION 1: CREATE AN ATSS

SST members working through this step of the Problem Solving Approach should be focusing their attention, time, and efforts on identifying a specific evidence-based intervention or approach.

The ATSS Intervention Plan needs to be created in Synergy SIS under the ATSS tab.



Directions on how to create an Intervention Plan in Synergy SIS can be found in the ATSS Canvas course.

SST GOAL: INTENSIVE INTERVENTION.

The goal of an SST intervention is to be able to intensify an intervention to address severe and persistent learning or behavior difficulties. Intensive intervention should be:

- Driven by data
- Characterized by increased intensity (e.g., smaller group, expanded time) and individualization of academic instruction, behavioral supports, or both

It is essential that any intervention used directly relates to the identified problem(s) and desired outcomes.

What is an Intervention?

An intervention is an additional skill or behavioral instruction that supports and intensifies classroom instruction and is provided to students for the primary purpose of increasing academic or behavioral performance. Such approaches can be administered both in and out of the traditional classroom. An intervention includes the following components:

- Is in addition to core instruction
- Includes a plan for implementation that is data-based
- Is targeted (not just a single lesson or strategy, but not an entire curriculum)
- Is explicit, systematic, multi-sensory and cumulative, and focuses on the student's needs
- Is measurable and goal oriented (intended to produce change in knowledge/behavior)
- Uses evidence-based pedagogy and strategies
- Is delivered by a trained instructor
- Uses assessment to monitor progress
- Has criteria for successful response

The SST should utilize the data-based individualization (DBI) process to intensify interventions students need. DBI is a research-based process for individualizing and intensifying interventions through the systematic use of assessment data, validated interventions, and research-based adaptation strategies. (<https://www.intensiveintervention.org>)



What is an Intensive Intervention?

It is:

- Individualized to meet student needs
- More intense than standard instruction, often with substantively different content and pedagogy
- Composed of more frequent and precise progress monitoring

It Is Not:

- A single approach
- A manual
- A preset program or curriculum
- More of the same Tier 1 instruction

Why do we need to intensify an intervention?

- Many validated programs, even after implemented with fidelity, are not universally effective programs; 3 to 5 percent of students need more help (Fuchs et al., 2008; NCII, 2013).
- Those students with intensive needs often require upwards of 10 to 30 times as much practice as their peers when they are learning new information (Gersten et al., 2008).

Who will need an intervention intensified?

- Students who are not making adequate progress in their current instructional program
- Students who present with very low academic achievement or high-frequency behavior problems
- Students in a tiered intervention system who have not responded to secondary intervention programs delivered with fidelity

It is also important that teachers indicate that the planned interventions are acceptable and feasible. Interventions are generally more acceptable to teachers if they are able to be implemented with existing classroom resources and perceived as likely to be effective.



HOW TO INTENSIFY INTERVENTIONS

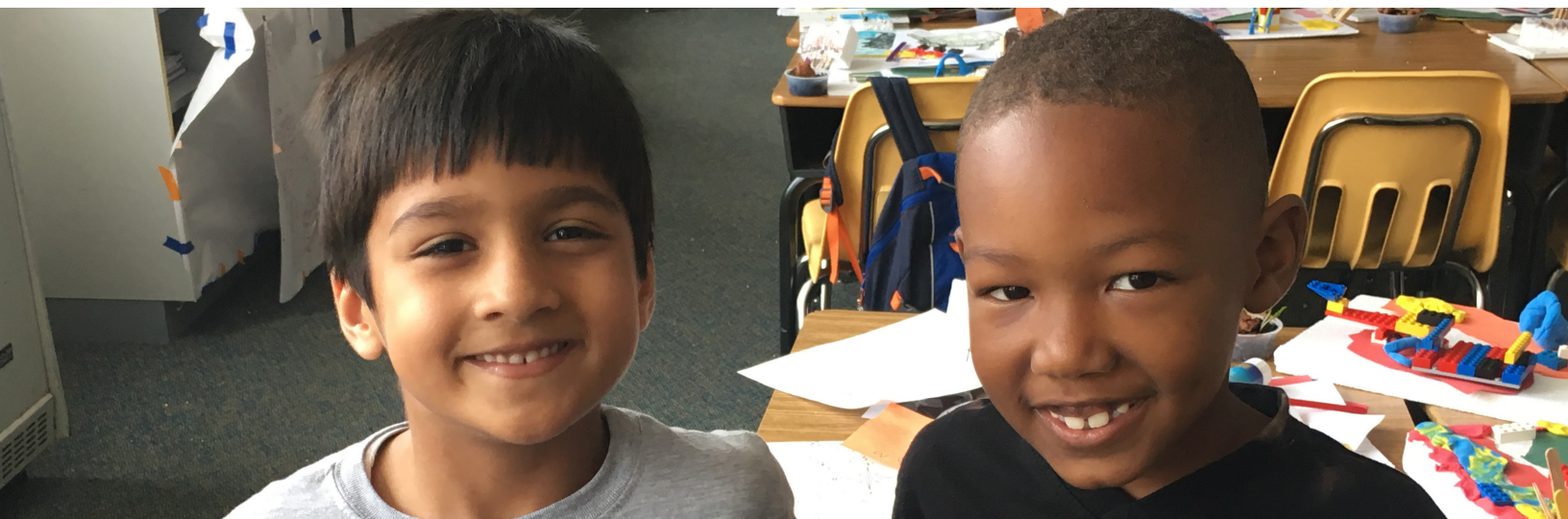
When deciding how to intensify an intervention, consider the following (taken from the National Center on Intensive Interventions):

Quantitative Changes:

- Increase intervention length, frequency, or duration
- Decrease group size
- Increase the skill level of the interventionist
- Increase homogeneity of group (group student with others of a closer performance level)
- Consider an intervention setting with fewer distractions

Qualitative Changes:

- Use precise, simple language to teach key concepts or procedures
- Present the same or a similar partially worked example. Explain why the step is important, have the student do it, and explain importance
- When introducing a concept, provide worked examples and show the steps in writing
- Break tasks into smaller steps, compared to less intensive levels of instruction/intervention
- Provide concrete learning opportunities (including role play and use of manipulatives)
- Use explicit instruction and modeling with repetition to teach a concept or demonstrate steps in a process
- Have students explain new concepts, in their own words, incorporating the important terms you've taught
- Once students can complete entire examples and explain their work, incorporate fluency building activities
- Once students can fluently produce correct work, move to a new concept. Provide ongoing practice opportunities to facilitate skill maintenance
- Fade steps from examples, so students gradually assume responsibility for completing more and more steps
- Provide explicit error correction, and have student repeat the correct responses
- Provide repeated opportunities to correctly practice the step



DEVELOP MEANINGFUL GOALS FOR PLAN

Once the most important problem(s) and relevant, controllable factors associated with the problem(s) have been identified, the SST is ready to move into the goal development step of the Problem Solving Approach. This step is primarily devoted to determining short-term or long term academic or behavior growth goals that focus on either general outcomes or mastery measures.

Area of Focus: Choose the most appropriate area from the drop-down list

WHAT SPECIFIC SKILL OR CONCEPT WILL THE STUDENT BE WORKING ON?

Guiding Questions:

- What is the student struggling with the most in the area of focus?
- What is the biggest hindrance they/them faces in this area?
- What specific skill might be the root cause of this struggle?

Example:

If the area of focus is Reading/Language Arts, then the specific skill/concept might be:

- decoding and encoding, or
- comprehension, or
- fluency

Or if the area of concern is Work Skills, then the specific skill concept might be:

- work completion
- staying on task
- organization
- self-regulation

WHAT STRATEGY/PROGRAM WILL BE USED?

Guiding Questions:

- How will this skill best be taught?
- Is there a program available to help support this instruction?
- When will this skill be taught?
- Who will be responsible for teaching this skill/ supporting this student in his/her learning of this skill?

Example:

- Orton-Gillingham
- LLI
- Small Group Instruction
- Individual Instruction
- Check-in check out
- Social Skills group
- Behavior plan



Please do not list a time of day such as TA or intervention block. Instead, think about what will be done during that time.

CREATE MEASURABLE GOALS

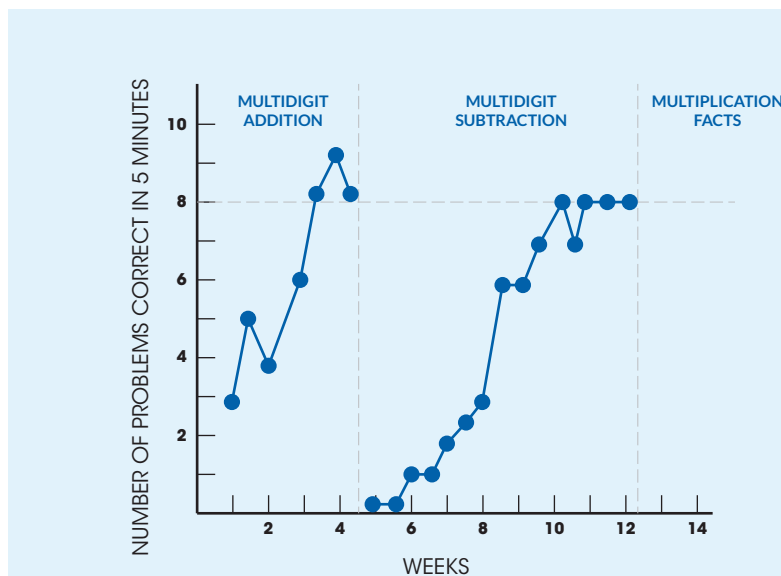
Guiding Questions:

- What does the student do well in this area?
- What does the student struggle with?
- What might be a possible next step for the student to progress forward?
- What is a realistic goal for the timeframe for this plan?
- Is this goal aligned to the specific skill or concept identified?
- How will you measure the desired outcome?

Mastery measures and general outcome measures are two common progress monitoring approaches. One key difference between mastery measures and general outcome measures is the comparability of data longitudinally, or the ability to look at data across time. With general outcome measures, you can compare the score a student received in May to a score he or she had in September. Mastery measures focus on each sub-skill and are tracked separately.

Whether the team creates a general outcome measure or a mastery outcome goal, the goals need to be directly related to the identified problem. Goals also need to have several important features. That is,

they should be meaningful, measurable, and monitorable. Lastly, goals should be realistic enough to be achievable, yet ambitious enough so that if achieved, would indicate significant skills development.



Example of a Mastery Measure Progress monitoring graph (taken from The National Center on Intensive Intervention)

WHEN SETTING GOALS, THE SST CAN CONSIDER THE FOLLOWING AS SOURCES OF INFORMATION:



Baseline data - where is the student performing now?



What are the established grade level benchmark standards?



What does the team agree on in terms of a goal? Rate of improvement?

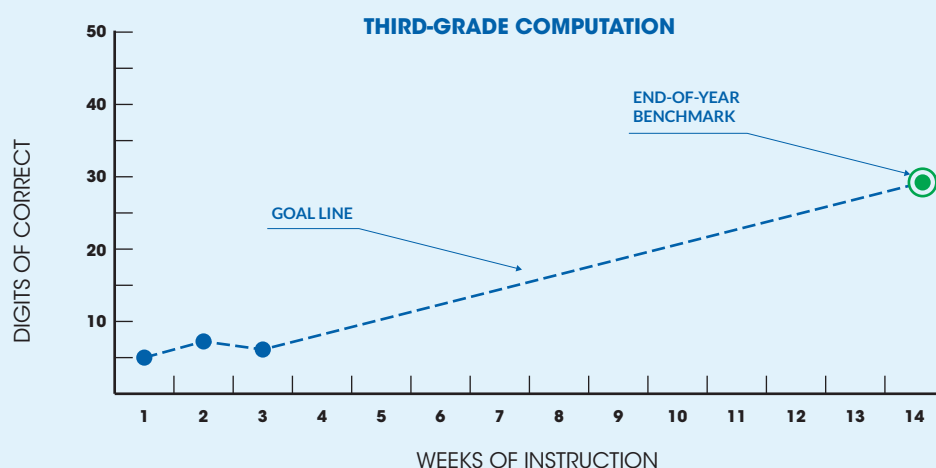


Graph the goal from baseline to desired benchmark or ending goal.



See ATSS Canvas for sample goals.

Example graph
(taken from The
National Center
on Intensive
Intervention)



Communication. As the plan is implemented, there needs to be a constant flow of communication between the teacher providing the intervention and, the core teachers. This will support the transfer of learning from the intervention to the core area being targeted. Additionally, checks for fidelity of implementation should occur by a designated staff member to ensure accurate implementation of the intervention as designed.

PROGRESS MONITORING

At this step of the Problem Solving Approach, it is important that teams identify how student progress will be monitored.

SPECIFICALLY, IDENTIFY:

- A. who will collect progress monitoring data,
- B. when will progress monitoring take place, and
- C. how often will progress monitoring occur?

In addition, the team should decide how long the plan should be in effect before determining whether the achievement/behavior support plan has produced a positive change in the target area of need.

Assessment of student outcomes: It is crucial that the effectiveness of the Intervention Plan be monitored on an ongoing basis with assessment techniques that are sensitive to change over relatively short periods of time. Only then can it be determined whether the designed support plan has the desired effects, or if a change in plans is necessary.

Evaluating student progress: Timelines should be developed for reviewing student progress.

The team will determine whether or not the

student's progress has been satisfactory based on the progress monitoring information. As a general rule of thumb, an academic intervention should be in place for at least 6 weeks prior to evaluating

its effectiveness. Timelines for examining the effectiveness of a behavioral/social emotional intervention can vary based on the severity of student need. When addressing severe behaviors, plan on implementing a relatively short evaluation period (e.g., 2 weeks). When addressing less severe behaviors, the 4-6 week evaluation period recommended for academic issues is often appropriate. The following decision rules should be considered when evaluating the effectiveness of support plans:

During the meeting, staff and family member(s) will discuss the student's needs and any relevant data.

Guiding Questions:

- How will we measure whether our intervention is working?
- What tools might we use?
- Does the tool we chose measure progress in the identified skill or concept chosen above?
- What is the baseline data?
- What is the end target goal?
- How long will the intervention run?
- How often will progress be assessed? _____ times per day/week/month

FOLLOW-UP PROGRESS MEETINGS

After an SST plan is created for a student, teams should reconvene in no more than 6 weeks to review results and determine next steps.

The student is NOT making progress or the problem seems to be getting worse.

- Modify the support plan; or
- Identify different intervention strategies within a new support plan; or
- Move forward with a referral for special education evaluation.

The student initially made progress, but lately improvement has come to a halt.

- Modify the support plan; or
- Identify different intervention strategies within a new support plan.

The student is making progress, but has not met his/her goal(s).

- Check to see whether the student's goal(s) need to be adjusted; or
- Consider modification to the support plan.

The student is making progress, but does not seem to be decreasing the discrepancy that exists between his/her performance level and the performance levels of typical, same-grade peers.

- Modify the support plan; or
- Identify different intervention strategies within a new support plan.

The student is making progress, meeting his/her goals, and decreasing the discrepancy that exists between his/her performance level and the performance levels of typical, same-grade peers.

- Maintain the support plan, and consider ways that specific intervention strategies can be faded over time; or
- Establish goals that are more ambitious.

SST OPTION 2: 504 SCREENING

504 Screening (brief summary see [page 130](#) for full guidance)

SST OPTION 3: EVALUATION FOR DISABILITY

Evaluation for Disability under Special Education or Section 504 ([III. SPECIAL EDUCATION GUIDANCE](#))

SST vs 504 vs IDEA QUESTIONS

A teacher, parent/guardian, or agency representative who suspects that a child may qualify under IDEA or Section 504 (i.e. may have a disability and/or may need special education services) should notify the principal, who shall work with the referring person to determine the appropriate course of action. It may be appropriate to use an intervention created by the Student Support Team to suggest short-term classroom interventions for academic (i.e., reading), social/emotional or behavioral (i.e. attention) problems prior to initiating the 504 or IDEA process. Teams should be aware, however, that students suspected of having a disability are not required to participate in an intervention before they can move forward with a referral to either the IDEA or 504 processes. Students may participate in an intervention while being screened through either the IDEA or 504 processes. For a comparison of IDEA and Section 504 Program Components, see Appendices.

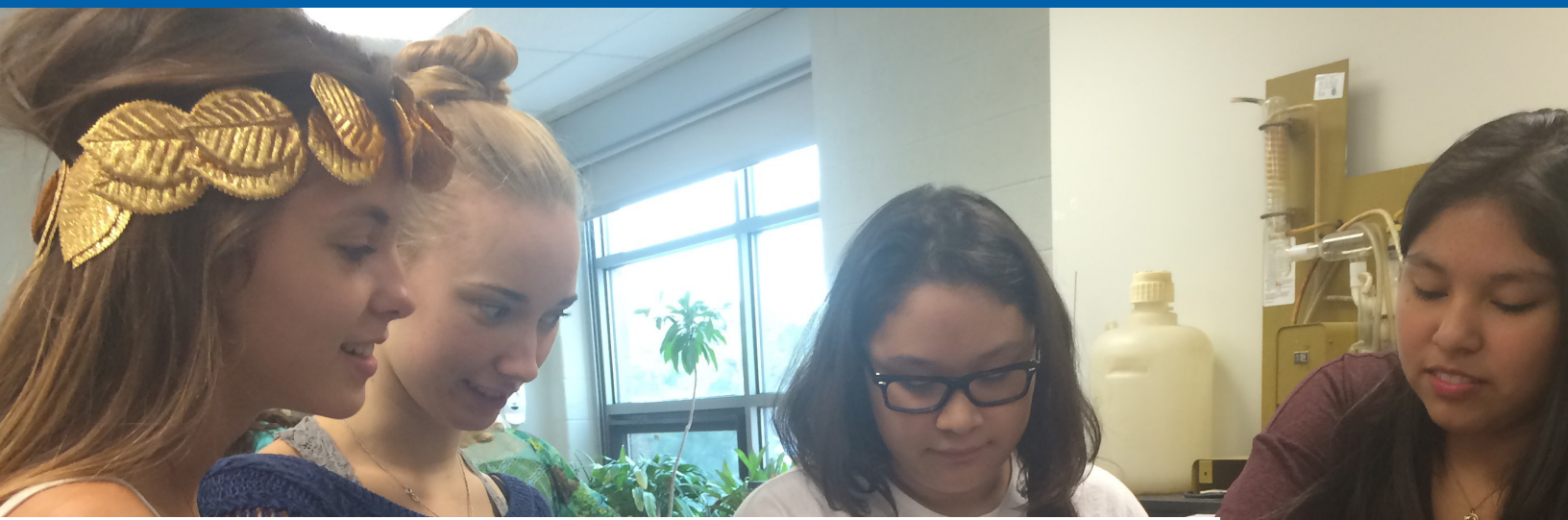


02

SPECIAL EDUCATION GUIDANCE

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Under the Individuals with Disabilities Education Act (IDEA) and its related federal regulations which govern special education, as well as Virginia Code and related regulations (see below) students with disabilities have a right to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). The IDEA defines students with disabilities as students, who have been identified with one of the disabling conditions identified in the statute which adversely affect educational performance and require special education. The IDEA and its implementing regulations provide students with disabilities and their parents/guardians with procedural safeguards regarding the identification, evaluation, and educational placement of and the provision of a FAPE to students with disabilities. Essential to these procedural safeguards is the involvement of parents/guardians. Please see acronyms for a list of common acronyms used under IDEA.



VIRGINIA REGULATIONS, LAWS & POLICIES

[Virginia Administrative Code](#)

[Virginia Department of Education \(VDOE\) Procedural Safeguards](#)

[Procedural Safeguards](#)

CHILD FIND

A child with a disability, age 2 to 21, inclusive, means one whose second birthday falls on or before September 30 and who has not become twenty-two years of age by September 30. If a child with a disability becomes 22 after September 30, he or she is eligible to receive services for that school year.



Additional information on Virginia's regulations for special education can be found here:

<https://www.doe.virginia.gov/programs-services/special-education/regulations-laws-policies>

APS RESPONSIBILITY TO RESIDENTS AND NON-RESIDENTS

APS staff may receive referrals for students who attend APS; attend private schools within Arlington County; are home instruction; and/or children through age 5 who reside in Arlington.

Arlington residents who have been placed by a parents/guardians in a private school located outside of Arlington County will be served by the jurisdiction in which the private school is located.

Non-Arlington residents who attend private school within Arlington County will be identified, and offered an ISP if eligible.

STUDENT AGE	LIVES IN	ATTENDS SCHOOL IN	RESPONSIBLE LEA
0 - 2	Arlington County	N/A	Arlington County Parent Infant Education Program (PIE)
2* - 5 (preschool)	Arlington County	Arlington Public Schools	Arlington Public Schools
2* - 5	Arlington County	Private Pre-K in Arlington, parentally placed	Arlington Public Schools
2* - 5 (preschool)	Arlington County	Private school outside Arlington, parentally placed	Jurisdiction where school is located
2* - 5 (preschool)	Outside Arlington County	Private preschool in Arlington	Arlington Public Schools
5 - 21 (K - graduation)	Arlington County	Arlington Public Schools	Arlington Public Schools
5 - 21 (K - graduation)	Arlington County	Private school in Arlington, parentally placed	Arlington Public Schools
5 - 21 (K - graduation)	Arlington County	Private school outside Arlington, parentally placed	Jurisdiction where school is located
5-21	Outside Arlington	Private school in Arlington	Arlington Public Schools

*Children who turn two on or before September 30th may access Child Find services.

Be sure that your building principal/designee confirms that any referral to an SST concerns a student who meets the above guidelines. If the referral is about an Arlington resident who was placed by a parents/guardians in private school in another jurisdiction, the referring source should be advised of where to redirect the referral.

CHILDREN TWO TO FIVE YEARS OF AGE:

If the child is enrolled at an APS Pre-K program (Virginia Preschool Initiative (VPI), Primary Montessori or Community Peer Program (CPP)), the Child Find process occurs at the attending neighborhood school. If the child is not enrolled in an APS Pre-K program, the Child Find process occurs at the Child Find Office at the Syphax Education Center.

STUDENTS AGES 5 (ON OR BEFORE SEPTEMBER 30) - END OF THE 22ND YEAR:

Child Find process occurs at the neighborhood school or attending school.

TWICE EXCEPTIONAL (2E)

In APS, the Offices of Gifted Services and Special Education are committed in supporting twice exceptional (2E) learners as they receive a rigorous education and coursework that teaches to student strengths and uses evidence-based practices to scaffold instruction for their individual needs.

“Twice-exceptional students” means students identified as gifted by the screening and identification school-based committee for gifted services and identified with a disability as defined by federal and state special education regulations.

APS believes that both services (special education and gifted) are of equal importance and should be planned for in a deliberate manner. We believe that all staff should fully understand the profile of 2E learners and appropriate resources to support the individual needs of these students.

To that end, we have identified the following resources to support this ongoing professional learning and support:

- In November 2010, the Virginia Department of Education released the document *Supporting the Identification and Achievement of the Twice-Exceptional Student* (VDOE Twice Exceptional). This document was developed collaboratively between the VDOE Offices of Special Education and Gifted Education and highlights a variety of themes that are imperative to the service needs for a student's exceptionalities.
- In September 2015 - June 2018, a cross-functional team (2E committee) was created with special education and gifted services staff to create a common understanding of how the different service models intersect in meeting the needs of students. As part of this work, the committee created a shared web page to communicate common messaging and expectations for collaboration and support for 2E learners to receive both special education and gifted services.
- The 2E committee created a Student's 2E Profile to support students, teachers and parents in transitions as they advance from elementary to middle to high school. This is a supporting document to the student's IEP.

APS is committed to professional learning opportunities focusing on 2E learners such as sessions at Festival of the Minds, the county-wide professional learning days and/or through the Gifted Services Professional Learning Five Hour Cycle of personalized learning for teachers and administrators.

APS is also committed to providing research based best practices for administrators, central office staff and teachers.

- Gifted Services Office purchases a group subscription of 2ENews which provides monthly updates on research-based best practices and resources to use to support 2E learners. It is available for school-based administrators, special education teachers, general education teachers, resource teachers for the gifted, central office staff and/or parents and guardians.

APS follows IDEA, all Virginia statutes and regulations, and VDOE guidance regarding both Special Education for Students with Disabilities and Gifted Children. The Special Education teacher works closely with each of the student's general education teachers, including the gifted resource teacher, to provide support and extension to the student's instructional program.

IDENTIFICATION CRITERIA

- In Virginia, both special education and gifted education regulations require multiple criteria in the eligibility process.
- In Arlington, a holistic case study approach is used to identify students for gifted services. Each school-based screening and identification committee uses the following multiple criteria focusing on student strengths to determine eligibility:
 - Nationally-Normed ability data
 - Achievement data
 - Gifted Behavior Commentary (school observations and examples of demonstrated behaviors)
 - Parent Information Form (parent/guardian observations and examples of demonstrated behaviors)
 - Student portfolios/work samples
- Each school - based screening and identification committee should include :
 - Principal or Assistant Principal
 - Resource teacher for the gifted (RTG) and/or Young Scholars Coach
 - Classroom teacher(s)
 - Other specialists as appropriate such as special education teacher, EL teacher, counselor

VDOE PROCEDURAL SAFEGUARDS (PARENT RIGHTS)

The VDOE Procedural Safeguards, “Your Family’s Special Education Rights” outlines a family’s rights as they pertain to the special education process. It is available through the APS website, Parent Resource Center, and in each school building. Procedural Safeguards are provided to parents at specific junctures in the special education process, and at least annually.

- Staff should provide and/or offer [VDOE Procedural Safeguards](#) for parents/guardians at every meeting related to special education.
- Because IEP meetings must occur at least annually, it is a convenient time to provide a copy of the Procedural Safeguards. This ensures that the requirement to provide the document at least annually is met. For complete information, refer to 8VAC20-81-180 (A)(B)(C)(D).

REFERRALS FOR EVALUATION

The following persons can make a referral or request an evaluation for eligibility for special education and related services under IDEA:

- APS school personnel,
- An employee from another State agency, or
- Parent(s)/guardian(s) of the student,
- Other individuals

All requests for an evaluation must be submitted to the principal or the Student Support Coordinator. A referral may be in written, electronic, or oral form to the principal/designee. Although referrals may be in written, electronic or oral form, it is strongly encouraged that referrals be submitted in writing, and signed and dated. It is important that the request include an explanation of the educational concerns and any supporting documentation. When a referral is submitted in compliance with all requirements, a response must be provided to the parent/guardian within 10 business days of its receipt and a SST meeting will be held to determine if the team will move forward with evaluation.

APS STAFF REFERRALS

APS staff may refer a student for an evaluation by completing a SST Referral form to document the basis for the referral and provide the local school district representative notice that the referral has been completed. Documentation to support the referral must include the following:

- Current information about the student, including grades, attendance, any suspensions, academic performance, behavior, and classroom participation;
- Data regarding any interventions implemented and the student's response to those interventions; and
- Documentation that the student was provided the appropriate core curriculum instruction and scientific, research-based intervention by qualified personnel.



Whenever there is a reason to suspect a student may have a disability and be in need of special education and related services, the student is not required to complete a specific number of weeks or levels of intervention through the ATSS framework or other response to interventions before a referral is made. However, implementing intervention and monitoring progress before a referral is best practice and will assist the SST in determining whether or not to move forward with evaluation. This decision should always be made on an individualized basis.

NON-APS PERSONNEL REFERRALS

It is important that referrals from non-APS personnel, including parents/guardians, provide supporting documentation and explanation of the concern or suspected disability whenever possible. If the referral does not include the basis for concern, the APS local school district representative should request that the omitted information be provided and if the student is enrolled in the school, must review the student records and gather information from any APS personnel who have worked with the student, as long as the 10-business-day response time is met. If there is not sufficient information to support the referral prior to the 10-business-day response deadline, the referral for an evaluation can be denied. If the request is made verbally, the local school district representative should instruct the referrer to put his/her request for evaluation in writing and assist with transcribing if the parents/guardians are unable to write out their request. The principal or local school district representative may ask the parent/guardian to provide any relevant information about the child, including any reports, prior evaluations, health records, school records from other schools, etc., to avoid duplication of information and assist in making appropriate decisions about the evaluation, but this request may not delay or extend the 10-business-day response timeline.

REFERRALS OF NON-ATTENDING STUDENTS

The referral for students in grades K-12 must be submitted directly to school staff for students who do not attend an APS school but attend a private day school in Arlington, regardless of whether the student lives in Arlington. For a student who lives in Arlington, requires special education and is home schooled, the team would offer an Individualized Services Plan (ISP). In either case, the parent/guardian must register the child as a non-attending student by completing the form at the school.

DETERMINING NEED FOR EVALUATION

To determine if a student requires an evaluation, the local education agency (LEA) representative along with any other individuals designated by the principal (e.g., Student Support Team) must review the referral information and screening data and conduct preliminary procedures. Preliminary procedures can include observation(s) of the student; an assessment or screening for instructional purposes; consultation with the teacher or other individual making the referral; and/or a conference with the student. As part of this process, the review must ensure that the student’s need for an evaluation has been documented and considered fully.

DETERMINATION:	
EVALUATION IS WARRANTED If it is determined that it is appropriate to initiate an evaluation after the review of the referral and preliminary procedures, and the parent/guardian/requestor are not present at the SST meeting the local school district representative must notify the parent/guardian and requestor (if not the parent/guardian) of this decision within 10-business days of the school’s receipt of the request through the PWN regarding the request for an evaluation and Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities. In addition, a team of individuals, which includes the parent/guardian, must convene to design the evaluation and prepare the <i>Parent/Guardian Consent for Evaluation</i> form for the parent/guardian’s signature within the same 10-business-day period.	EVALUATION IS <u>NOT</u> WARRANTED If it is determined that the evaluation is not warranted, the local school district representative must ensure that the parent/guardian and any other referral source are provided a written notice of this decision within 10-business days from the date the school received the referral using the PWN regarding a request for an evaluation and <i>Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities</i> forms.



Lack of intervention data can never be the sole basis for denying an evaluation for students who are suspected of having a disability, including a specific learning disability. If a student is suspected of having a disability, including a specific learning disability and ATSS data is not available or sufficient, the ATSS data should be gathered during the 60-business-day evaluation time period.

THE NOTIFICATION FORM MUST INCLUDE THE FOLLOWING:

- Notice to the parent/guardian/referral source of the referral date, reasons for the referral, and why the school determined that the evaluation was not warranted, and any records, reports or other information that were used as the basis for the decision;
- The mailing date of the notice;
- Any plan to address the student’s needs, such as general classroom interventions designed by the SST and a time frame for implementation and review; and
- The contact person, which is usually the local school district representative

PRIOR WRITTEN NOTICE

RE: ACTION DETERMINATIONS

A PWN documents what was discussed at a special education meeting regarding the proposals or refusals to initiate changes in determinations made related to a student's identification, evaluation, program or, placement, or the provision of FAPE. The "prior" in Prior Written Notice refers to notice given to parents/guardians before an action is implemented. A PWN is provided following a SST meeting in which an evaluation is considered/recommended, an Eligibility Committee Meeting, re-evaluation, re-evaluation planning, IEP Meeting or MDR meeting.

The PWN requires the signature of the LEA representative who attended the meeting that is referenced. Generally, that LEA representative will complete the document and provide it to the parents/guardians within 10 business days after the meeting.



Refer to [Guidance on Prior Written Notice in the Special Education Process \(VDOE, May 2013\)](#) for extensive and easy to understand information about PWN in Virginia.

PLANNING FOR EVALUATIONS

SUFFICIENT INFORMATION FOR DETERMINATION.

The local school district representative facilitates the Assessment Planning process by assembling the SST including the parent/guardian, to consider the relevant domain(s) of suspected disability and what, if any, additional evaluation data or other information is necessary. The process begins with a review of existing data and other information about the student, including data from a variety of formal and informal sources. The local school district representative is responsible for gathering and maintaining all pertinent data from the team members. Participants use the Parent/Guardian Consent for Evaluation/Assessment Planning form to document these steps.

STEP ONE: DOMAIN AREAS DETERMINED:

Determine which domains (i.e., health, vision, hearing, academic performance, social/emotional, cognitive functioning, communication and motor abilities) are relevant to the student's suspected disability.

STEP TWO: DATA REVIEW FOR EACH DOMAIN:

For each relevant domain, gather and review available data and other information.

Absent extenuating circumstances, all assessments will be conducted by APS personnel. Any request for an independent educational evaluation at public expense must follow the procedures described in the Parent/Guardian Request for Independent Educational Evaluation on page 124.

All assessments must be conducted by qualified individuals that have the training to administer the assessment.

STEP THREE: DETERMINATION OF ADEQUATE INFORMATION; PARENTAL CONSENTS :

Sufficiency Determination.

For each relevant domain, decide if there is sufficient information to determine:

- Present levels of academic and functional performance and educational needs (including student's strength/skills);
- Whether the student has or continues to have a disability;
- Whether measurable data shows the disability is adversely affecting the student's education; and
- Special education and related services, including supplementary aids and services (e.g.,



NOTE: If a referral is specific to one domain area (e.g., communication domain for a speech-language evaluation), the team should still consider all data to determine if other domain areas should also be considered for assessment.

assistive technology, alternative augmentative communication device, etc.), that the student may need to participate and make progress in the general curriculum and to improve educational performance.

Adequacy Determination; Parents/guardians Concurrence Required.

If existing information is adequate for each relevant domain area (no additional information needed), no additional assessments must be conducted. However, the parent/guardian is informed that no additional information is needed and is asked if they/them agrees.

Parents/guardians Concurs.

If the parent/guardian agrees that no additional evaluation information is needed and returns the signed Parent/Guardian Consent for Individual Evaluation form, the 60-business-day (in APS we would like schools to adhere to 60 business-days as the 65 timeline starts with the date the initial referral was received) time frame begins and the local school district representative should ensure a SST meeting is scheduled to determine eligibility prior to the expiration of this time frame. The SSC should run bi-weekly reports to monitor timelines to ensure all eligibility meetings occurs within the timeline. APS staff follow the same timeline for re-evaluation

Parent Requests Additional Assessments

If the parent/guardian disagrees, the local school district representative, within 10 calendar days after a parent/guardian requests additional assessment(s), must either (1) revise the Assessment Planning form and provide the parent/guardian with written notification that additional evaluation information will be obtained or (2) provide the parent/guardian with written notification that the school will not conduct the additional requested assessment(s) and the basis for this decision.

STEP FOUR: ADDITIONAL EVALUATION DATA REQUIRED

If existing information is NOT adequate for each relevant domain area, determine what additional information is needed and the sources from which it will be obtained. APS staff will obtain parent consent for each evaluation.

The consent form should identify general information regarding the type of instruments and/or procedures to be utilized. It should not include names of specific diagnostic instruments.

If the parent/guardian does not consent to a proposed evaluation or reevaluation then testing will not proceed.

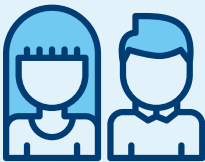
INITIAL EVALUATION

An initial evaluation is one that determines eligibility for the first time for a student who is yet to be identified as a student with a disability by APS or an outside public school district. The initial evaluation must be completed and the SST must determine eligibility for special education and related services within 60-business days after the date the referral. The SST also need to gain parent/guardian consent to conduct the evaluation. ***When there are fewer than 60-business days left in the school year, please either expedite the evaluation or consult with your Student Support Coordinator to make a referral to the Summer Eligibility Team.***

THE 60-BUSINESS DAYS TIME FRAME DOES NOT APPLY IF:



The **parent/guardian** repeatedly fails or refuses to produce his/her child for the evaluation.



A **student transfers into APS** after the 60-business-day time frame has begun and prior to an eligibility determination by the student's previous district.

This exception applies only if staff is making sufficient effort to ensure prompt completion of the evaluation, and the parent/guardian and the local school district representative agree to a specific time when the evaluation will be completed.



For **students suspected of having a disability**, the local school district representative and the parent/guardian may agree in writing to extend the 60-business-day time frame if necessary to collect sufficient ATSS or other response to intervention data. This agreed-upon extension should only be used in extraordinary circumstances, and documented accordingly.

REEVALUATION

There are three types of reevaluations.

1. TRIENNIAL

A reevaluation must be conducted for each student with a disability who is receiving special education at least every three years from the date of the last eligibility determination, to determine if they are still eligible. The re-evaluation may or may not include formal assessments.

2. REEVALUATION

Prior to triennial, for this type of evaluation the 60-business-day time frame for initial evaluations applies.

3. EVALUATION

To consider a related service, a request may be made prior to the 3-year reevaluation date to determine if an additional related service is required. For this type of evaluation the 60-business day time frame for initial evaluations applies. This type of evaluation may be requested to consider the addition or removal of a related service based on a written request by the teacher, related service provider and/or student's parent/guardian because of a significant change in the student's educational needs, including improved academic achievement and functional performance.

A reevaluation is NOT required for a student prior to terminating his/her eligibility for special education services due to the student's graduation from high school with a regular high school diploma, or for a student who is no longer eligible for a public education based on age (the student's 22nd birthday). In this case, the local school district representative facilitates the development of a *Summary of Performance* that includes information about the student's desired post-secondary goals; academic achievement and functional performance; and recommendations on how to assist the student in meeting his/her postsecondary goals.

THE ELIGIBILITY EVALUATION PROCESS

SELECTION AND ADMINISTRATION OF ASSESSMENTS.

Evaluators must ensure that their assessments are selected and administered in a nondiscriminatory manner. Instruments and procedures used by evaluators and considered by the team must be:

- Selected and administered so as not to be discriminatory on a racial or cultural basis;
- Provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information about what the child knows and can do academically, developmentally, and functionally;
- Used for the purposes for which the assessments or measures are valid and reliable;
- Administered by trained and knowledgeable personnel;
- Administered in accordance with any instructions of the producer of the assessments;
- Tailored to assess specific areas of educational need and not merely those that are designated to provide a single general IQ; and
- Selected and administered so as to best ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment accurately reflects the child's aptitude or achievement level or whatever other factors the test purports to measure.

NONDISCRIMINATION.

Evaluations must be conducted in a manner that is not discriminatory with respect to language, culture, race, and gender as follows:

- As noted above the languages used to evaluate are consistent with the primary language or other mode of communication of the student. If the language use pattern involves two or more languages or modes of communication, the student must be evaluated by qualified specialists or, when needed, qualified bilingual specialists using each of the languages or modes of communication used by the student.
- Tests and assessments are written and administered in the native language or conducted in the mode of communication most familiar to the student, unless it is clearly not feasible to do so. The Native Language is the primary language used in the student's home (i.e., language usually used for communication by the student and parents/guardians, siblings and other family member(s)).

In APS, there are psychologists available who are bilingual evaluators. The process for determining whether a student requires evaluation by a bilingual psychologist is based on a consultation between the school-based psychologist and the lead bilingual psychologist. Based on the considerations for the unique needs of the student, an approach to conduct the evaluation will be developed. This approach could consist of any of the following: the school-based psychologist conducts the evaluation using

appropriate assessment instruments and techniques (to include use of interpreters, as appropriate); or, a bilingual psychologist conducts the evaluation using appropriate assessment instruments and techniques; or, the two psychologists collaborate to complete the evaluation and generate a shared report. The determination of the assessment approach is made by the two psychologists, rather than the team, since those professionals are most qualified to make decisions about psychological evaluations (to include understanding psychometric properties and standardization). Parents/guardians have input into this process as well, by completing a language usage questionnaire and sharing their perspective with the school-based psychologist.

If documented efforts to locate and secure the services of a qualified bilingual specialist are unsuccessful, a certificated APS employee or other individual who has demonstrated competencies in the student's language can assist a qualified specialist.

- If documented efforts to locate and secure the services of a qualified bilingual specialist or a qualified specialist assisted by another are unsuccessful, a variety of assessment techniques that limit the impact of language acquisition to the greatest degree possible are employed.
- Tests given to a student whose primary language is other than English are relevant, to the maximum extent possible, to his/her culture.
- If a student's receptive and/or expressive communication skills are impaired due to hearing and/or language deficits, test instruments and procedures are used that do not stress spoken language. One or more of the following methods are used:
 - Visual communication techniques in addition to auditory techniques.
 - An interpreter to assist the evaluative personnel with language and testing.

TEST DOCUMENTATION MAINTENANCE.

All test protocols (consumable test booklets, behavior rating scales, drawings, etc.) will be kept in the student's record that maintained at Syphax. When a parent/guardian requests a student's educational records and a test protocol includes a student's name and/or work, contact the office of Student Services for guidance regarding the parent/guardian's right to access the test protocol.



Private Evaluations. The SST must review and consider the results of the private evaluation along with current APS evaluations in determining eligibility and considering whether the student's eligibility and/or IEP require revision in light of the new information. If the parent/guardian presents a private evaluation report outside of the IEP meeting, the local school district representative must send a prior written notice within 10 calendar days of receipt of the private evaluation, and schedule an IEP meeting (generally within 30 days of receipt of the private evaluation report) for the team to review and consider the report. At this IEP meeting, the team should also consider whether an evaluation or reevaluation of the student by APS is warranted.

EVALUATION REVIEW AND DOCUMENTATION PROCESS

- Document the sources and assessment methods used, the date of the assessment, information and results obtained.
- Use language that is problem/issue-focused, educationally relevant, succinct, devoid of as much jargon as possible and written in language that may be readily understood by staff and parents/guardians.
- Analyze data, interpret results, and, where applicable, compare prior assessment results, including strengths and weaknesses. The mere collection of data without analysis or synthesis does not benefit instruction.
- Include recommendations that can be used by school staff to effectively impact instruction and transition planning. This also includes reviewing any relevant assessments. When the data shows potential for advanced cognitive abilities, it is best practices for the school committee to recommend consideration for gifted services.
- Include recommendations for incorporating direct specialized instruction, curricular accommodations and/or modifications, supplemental aids and services; and related services, if needed.
- Document whether any evaluation component could not be completed due to lack of parental involvement, religious convictions of the family or inability of the student to participate; state what components are missing and why they were not completed. This information is needed so that the team of evaluators can assess the effects of these variances on the validity and reliability of the information reported and determines whether additional assessments are needed.
- Indicate whether the assessment was conducted under nonstandard conditions and describe how and the extent to which it varied from standard conditions. (For example, the use of a translator when a qualified bilingual professional is not available creates a nonstandard condition.)

EVALUATION COMPONENTS

The evaluation report synthesizes each evaluator's individual report based on the relevant domain(s). A draft report must be made available for the Parent or Guardian at least two business days prior to the meeting and signed by the individual conducting the assessment. All evaluation reports must be finalized by the conclusion of the eligibility meeting.

When writing individual reports of evaluative data, staff should consider the following non-exhaustive list of information that pertains to each relevant domain. Each report should summarize assessment results clearly, concisely and with language that is understandable and useful to general/special educators and families. In addition, the reports provide information that will support the student's educational planning.

ELIGIBILITY DETERMINATION

The eligibility team meets on or before the 60-business day time frame elapses for initial eligibility or the date consent was received to conduct assessments for re-evaluation of eligibility, to review the information gathered through the evaluation process. The SST team determines whether or not the student meets the criteria for eligibility, if the disability has an adverse impact on the student's educational performance, and whether special education services are required. The SST team documents their decision using the APS Disability worksheets. Draft copies of the evaluation reports **MUST** be made available to the parent/guardian at least two business days prior to the meeting. At the SST meeting, the APS Disability worksheet and evaluation reports should be reviewed in the context of a meeting with the Parent or Guardian to support meaningful participation to reach consensus regarding student needs.



APS Eligibility Worksheets can be found [here](#).

PARTICIPANTS

The local school district representative (Student Support Coordinator) convenes an SST based on the student's presenting problem(s) and the suspected disability area(s). Pursuant to the IDEA, the following are required SST team participants:

- One or both of the student's parents/guardians;
- At least one general education teacher. The general education teacher who serves as a member of a student's IEP team should be a teacher who is, or may be, responsible for implementing a portion of the IEP, so that the teacher can participate in discussions on how best to instruct the student;
- At least one special education teacher. (If the child is receiving only speech and language services, the Speech-Language Pathologist shall fulfill this role.);
- For students who are 3 to 5 years of age, an individual qualified to teach preschool students without disabilities;
- An individual who can interpret the instructional implications of the evaluation result. (A person may assume this role in addition to another role at the conference.);
- The student, required to be invited during the year the child turns 14 years of age;

An administrator of APS/LEA who is qualified to supervise the provision of special education services, is knowledgeable about the general education curriculum and available resources, and is authorized to commit resources on behalf of the school division. Every APS staff person involved in conducting an assessment (psychologists, social workers, related service providers); and, in the year the student turns 14 years of age, they/them are invited to attend their Eligibility meeting. For any student 18 years of age or older, or if the parent/guardian chooses to have the child participate at any age.

THE SST TEAM MUST ALSO INCLUDE

- At the discretion of the parent/guardian or APS personnel, other individuals having knowledge or special expertise regarding the child (e.g., child welfare specialist if the student is a ward of the State, etc.);
- A qualified EL teacher if the student is an EL or the presence of such a person is needed to assist the other participants in understanding the child's language and cultural factors as they relate to instructional needs;
- A person knowledgeable about positive behavior strategies, if the child's behavior impedes his/her learning or the learning of others; and
- Interpreter for individuals who have limited English proficiency or who are deaf.

MAKING THE ELIGIBILITY DETERMINATION

OVERVIEW

When determining if a child has a disability under the IDEA or Section 504, the SST team must:

- Review intervention data for students suspected of having a disability;
- A classroom teacher must complete the teacher narrative;
- Student Support Coordinator or other relevant staff must complete a classroom observation;
- Review and consider all assessment data, including results from any independent evaluations;
- Use the results of more than a single assessment or evaluation procedure;
- Ensure the determinant factor for any disability determination is not the student's lack of appropriate instruction in reading or math, due to limited English proficiency or socio-cultural dialects or delays.

STEP ONE: SUMMARIZE ON THE ELIGIBILITY DETERMINATION FORM PERTINENT INFORMATION ABOUT EACH RELEVANT DOMAIN.

The eligibility team reviews the evaluation findings with the parent/guardian during the meeting. If additional information and/or changes need to be made, based on what is shared by the parent/guardian and/or another team member at the meeting, it will be included in the summary.

STEP TWO: DETERMINE IF STUDENT MEETS ELIGIBILITY CRITERIA FOR ONE OR MORE OF THE 14 IDEA DISABILITY CATEGORIES.

After the eligibility team reviews all of the information pertinent to each relevant domain, the SST must decide whether they believe the student has a disability. If the team suspects the student has one of the 14 IDEA disabilities, the team must determine whether the **determinant factor** for any suspected disability is one or more of the following:

- Lack of appropriate instruction in **reading**, including the essential components of reading instruction which include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency including oral reading skills and reading comprehension;

- Lack of appropriate instruction in **math**; or
- Limited English-language proficiency.

DETERMINATIONS:

- If the answers to any of the above is “Yes,” the student is NOT eligible for services under IDEA for the disability under consideration.
- If the answers are all “No,” based on the totality of the assessment data, the SST team must determine whether the student exhibits any of the characteristics of one or more of the following 14 IDEA Disabilities and
 - if “Yes”, identify the disability on the Eligibility Determination form.
 - If it is determined that the student does not have any IDEA-recognized disabilities, “No” should be indicated on the Eligibility Determination form, and the student is NOT eligible for services under the IDEA for the disability under consideration.
- 504. The eligibility team should consider whether the assessment data indicates the student might be eligible under Section 504. If yes, the team will determine eligibility for Section 504.

STEP THREE: DETERMINE IF STUDENT’S DISABILITY ADVERSELY AFFECTS EDUCATIONAL PERFORMANCE.

If the eligibility team determines that a student has characteristics of one or more disability areas, the team must next determine whether the student’s disability adversely affects his/her educational performance. Educational performance includes academic as well as functional performance (e.g., behavior, social, communication skills, adaptive/independent living skills, etc.) If no, there is no adverse effect, the student is NOT eligible for special education and/or related services. If yes, the team must proceed to Step 4.

STEP FOUR: DETERMINE IF STUDENT REQUIRES SPECIAL EDUCATION AND RELATED SERVICES.

Next, the eligibility team must determine if the student requires special education and related services to address the adverse effect of the disability on educational performance.

- If they/them does, the student is eligible and the team should identify the student’s specific needs to then schedule the student’s Individualized Education Program (IEP) meeting that addresses those needs.
- If the student does not require special education to address the adverse effect of the disability on educational performance (i.e., the student’s disability can be accommodated in the general education classroom without the services of a special education teacher/specially designed instruction or the student only requires related services), the student is not eligible for special education and no IEP will be developed.

Eligibility determination is reached through consensus by the team. Consensus is defined as a general agreement, not necessarily unanimous agreement. It is a judgment arrived at by most of those involved. Consensus is not a vote. If consensus cannot be reached, the school must provide the parents/guardians with a written copy of the school’s proposals or refusals or both as documented in the PWN, regarding the child’s educational program. The parents/guardians have the right to seek



NOTE: The student may be eligible under Section 504 and the SST should determine if the student is eligible for a 504 plan.

resolution of any disagreements as outlined in the procedural safeguards.

Each SST member must agree that the report reflects his/her conclusion. If a team member feels that the written report does not reflect his or her conclusion, that team member must submit a separate statement presenting the conclusion. This written statement should be completed using the Dissenting Opinion form in Synergy.

The Eligibility Determination form must be provided to the parents/guardians. Parents/Guardians who disagree with the SST conclusions may seek resolution as outlined in the procedural safeguards.



ADDITIONAL RESOURCES

[Guidance for Students who are Deaf & Hard of Hearing](#)



ELIGIBILITY CRITERIA FOR ENGLISH LEARNERS (EL) SUSPECTED OF HAVING A DISABILITY

The following criteria govern a Student Support Team's decision that an EL student needs special education/related services. This decision is based on gathered information and evaluation results showing the student's disability is not **primarily** the result of limited English proficiency **and/or** lack of linguistically/culturally appropriate instruction. To demonstrate that, **EACH** of the following must be met:



[Learn more about the Office of English Learners](#)

CRITERIA 1: STUDENT RECEIVED APPROPRIATE LANGUAGE INSTRUCTION/SUPPORTS

The student received appropriate language instruction/supports, as determined by considering **ALL** the following:

1. EL Instruction has been provided consistently since EL enrolled in U.S. school

An EL should receive EL services continuously as from entry into the U.S. school system unless and until that student reaches the language proficiency exit score, currently a 4.3 on the WIDA ACCESS test in VA. The other exception to EL services happens if the EL's parent/guardian has submitted a written statement refusing EL services which must be maintained in the educational record.

While research shows that a student needs five to seven years to fully acquire a language, neither this time period, nor any other prescribed amount of years "can be used to delay identification of children with disabilities. If one has considered the educational history and patterns, and gathered pertinent information from the family that indicates the probability that the child's low achievement is due to factors other than acculturation and normal bilingual language development, one should proceed with appropriate intervention and referral processes." (*The Bridge Manual, Literature Review of PreReferral, Assessment and Eligibility Considerations*, Page 2, 2008.)

2. Meaningful access to content and language development has been provided

English language skills are assessed when an EL first enrolls in a U.S. school. The assessment results guide schools to provide a particular type and amount of EL service. ELs are assessed yearly and their EL service type and amount will follow a delineated progression, becoming less intense over time. This continues until a student exits the EL program.

Arlington Public Schools uses a collaborative, inclusive model of instruction for English Learners in the English Learners Program.

There are four possible models of instructional delivery where students are learning the grade level content (language arts, mathematics, social studies, science) and are also acquiring the social and academic English proficiency they need to have success in school. The models include : Co-teaching, Push-In, Pull-Out and Consult/Monitor. At the secondary level, Sheltered Classes exist for students whose progress level data indicates the need for more support in certain subject areas (e.g. ELD 1 Science). **In all cases**, ELs should be given access to appropriate curricula, frequent scaffolding of content-related language during instruction, access to grade level content and accommodations for the classroom and testing situations.

3. Receipt of instruction by qualified teachers including both

- Properly licensed EL teachers to provide instruction in language development
- Properly licensed content teachers to provide instruction in each content area

4. Classroom environment and materials have been accessible, appropriate and relevant

Curricular information has been linguistically accessible, grade level appropriate, and culturally relevant based on the EL department's "Look-Fors" Document and instruction has been conducive to the EL's learning.

CRITERIA 2: STUDENT'S LOW ACHIEVEMENT/ BEHAVIOR IS NOT PRIMARILY DUE TO FACTORS BELOW:

- Level of English acquisition and/or
- Immigration/adjustment factors such as
 - Refugee or immigrant status
 - Acculturation to new culture
 - Interrupted schooling; and/or lack of educational experience
- Racial or ethnic bias

ADDITIONAL INFORMATION FOR SST TO CONSIDER

SST considers whether information suggests there are some possible indications of the existence of a disability:

- The student may be "stuck" at the same English Proficiency score for more than two years.
- The learning difficulties persist in both English and the native language (if possible to assess the latter).
- The committee needs to review (or complete, if necessary) the [English Learner Considerations and Intervention Protocol](#).

CRITERIA 3: MEETS ELIGIBILITY CRITERIA RELEVANT TO DISABILITY AND NECESSITATING SERVICE/SUPPORTS

The student meets criteria relevant to one or more IDEA disability categories, e.g., specific learning disability, and requires special education/related services to access his/her education.



Note: Some EL teachers may have licensure to instruct both the language development and content information.

NOTIFYING PARENTS/GUARDIANS OF ELIGIBILITY DETERMINATION DECISION DISABILITY

The *prior written notice* notifies parents/guardians of the eligibility determination results. If the student is eligible for special education, the VDOE worksheet is completed and provided to parents/guardians. If a decision has been reached that the student is not eligible for special education, the local school district representative gives parents/guardians the PWN form, along with the APS *Disability Worksheet* form. In either case, the parent/guardian receives the *VDOE Procedural Safeguards for Parents/Guardians of Students with Disabilities*.

PARENT/GUARDIAN CONSENT FOR INITIAL SPECIAL EDUCATION AND RELATED SERVICES

The IDEA requires schools to obtain informed written parental consent before the initial provision of special education and related services may be provided to a student. Therefore, the IEP team should not proceed to develop the student's initial IEP if the parent/guardian has not consented to the provision of special education and related services. The parent/guardian consents by signing and dating the *Parent/Guardian Consent for Initial Provision of Special Education and Related Services*.

If the parent/guardian consents to the initial provision of special education and related services, the school must develop an IEP. Services will begin as soon as possible once the parents provide signed written consent to the IEP.

If the parent/guardian refuses to consent to the initial provision of special education and related services, the IEP team does not have to develop an initial IEP; however, developing an initial IEP may assist the parent/guardian in making the decision to consent to the initial provision of special education and related services.

PARENT WITHDRAWAL OF A STUDENT

Occasionally, a parent/guardian of a student with an IEP decides to withdraw their child from APS and places their child in a non-public school or provides home instruction (homeschool), while maintaining residency in Arlington. If a family notifies the case carrier, registrar, etc. of their intention to do so, or if any APS staff member becomes aware of the parental placement, an APS letter to include an offer of an IEP meeting (or if they are homeschooling, ISP plan) is to be sent within 10 business days.

OBSERVATIONS BY PARENTS/GUARDIANS, INDEPENDENT EVALUATORS, OR OTHER QUALIFIED PROFESSIONALS

To ensure that a parent/guardian can participate fully and effectively with school personnel in the development of appropriate educational and related services for his/her child, the parent/guardian, independent educational evaluator, or a qualified professional retained by or on behalf of the parent/guardian must be afforded reasonable access to educational facilities, personnel, classrooms, and buildings and to the student. This requirement pertains to any APS facility, building, or program, including nonpublic facilities in which APS has placed a student receiving special education services.

Prior to an observation, the parent/guardian must inform the principal in writing of the proposed visit, its purpose, and fill out the required observation form (contact administrator for form).

The parent/guardian and the principal/designee must arrange the visit(s) at times that are mutually agreeable and observations should be limited to an hour to minimize distractions in the classroom for other students.

The parents/guardians, independent educational evaluator, or other qualified professional must comply with school safety, security, and visitation policies at all times and not disrupt the educational process. They must also comply with the requirements of applicable privacy laws, including those laws protecting the confidentiality of education records, such as the federal Family Educational Rights and Privacy Act (FERPA).

ROLES AND RESPONSIBILITIES REGARDING SPECIAL EDUCATION

The following staff positions represent the APS support network responsible for students. While individual responsibilities may differ, all are aligned in their mission to ignite a passion for learning with equitable access and multiple pathways where learners connect, create, and innovate.

PRINCIPAL/ASSISTANT PRINCIPAL

As the instructional leader of a school, the principal is responsible for ensuring that all APS policies and implementation procedures as well as applicable federal and state laws are in compliance for all APS students, so that students with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). In addition, administrators ensure that all APS students have access to the age/grade-appropriate general education curriculum and all program options available at the school. The principal must oversee and ensure the implementation of all IEPs for each student with disabilities in their school. The principal supervises all related service and special education staff assigned to the school, including the coordination of services between the general education teacher and special education teacher. The principal must also ensure that the local school education agency representative (LEA Rep) has the time necessary to carry out his/her responsibilities.

School Administrator responsibilities regarding students with disabilities include, but are not limited to:

- Ensuring that all students with disabilities have current IEPs;
- Ensuring a Local Education Agency Representative (LEA Rep, i.e., local school division representative, which can be the principal, assistant principal, or other appropriately licensed staff person) or, when authorized by the APS LEA Representative, is designated on the *Meeting Notice*, and in attendance at every IEP meeting;
- Designating a LEA Representative in each school;
- Designating individual(s) responsible for completing all necessary IDEA notices and paperwork;
- Ensuring students' schedules match the students' IEPs;
- Ensuring IEPs are finalized in Synergy SE at the IEP meeting or soon after;
- Ensuring students with disabilities participate, with or without specialized instruction in accordance with their IEPs, in all curricular areas available in the school, including non academic areas during the school day, and ensuring students with disabilities have access to extracurricular activities offered at the school;
- Ensuring general education teachers have copies of IEPs for all students with disabilities



NOTE: If the principal delegates his/her administrative duties related to special education procedures and services to the assistant principal, the following list of responsibilities applies to him/her. "School Administrator" refers to either the principal or assistant principal.

they teach;

- Ensuring all separate special education classrooms are located near the same age/grade general education classrooms, to the extent reasonably possible;
- Ensuring special education teachers have copies of current curricular materials for all subjects and grade levels they teach;
- Ensuring students with disabilities have age/grade-appropriate general education textbooks and materials;
- Ensuring collaborative planning for general education teachers and special education teachers;
- Making the necessary arrangements for staff to attend IEP meetings;
- Ensuring all pre-conference activities are completed in accordance with the required timelines, including sending the Meeting Notice and indicating whether specific data has been collected;
- Ensuring draft IEPs have been developed and made available to the parents/guardians at least two business days prior to the meeting;
- Monitoring the implementation of IEPs and goal/objective progress;
- Ensuring qualitative and quantitative data is being used to make all IEP decisions, including student performance, behavior and attendance;
- Ensuring IEP goal progress reports are completed for each student on a quarterly basis and provided to parents at the same time as the general report cards (unless the IEP includes a different timeline), and are maintained in the student's cumulative file;
- Ensuring that parents/guardians have access to school personnel who can answer questions related to their child's IEP and are involved in IEP development;
- Ensuring access to an interpreter for Special Education Meetings (including initial and reevaluation eligibility determination meetings, and annual reviews) for parents whose primary language is other than English in order to enable parents to meaningfully participate in the IEP meeting;
- Providing or coordinating professional learning opportunities for general and special educators, paraprofessionals, and Related Service Providers, as necessary; and
- Providing support and guidance to staff to assist them in adhering to the directives described in this Procedural Manual, APS Policies and PIPS, and IDEA/504 guidelines.

STUDENT SUPPORT COORDINATOR (SSC)

The SSC is responsible for providing oversight and guidance around the expectations, practices and compliance regulations related to ATSS, IDEA and 504. Additionally, they/they may provide on-site coaching for teachers.

SSC responsibilities regarding students with disabilities include but are not limited to:

- Monitoring the implementation of procedures around IDEA and 504 and IEP-required services and adherence to best practice standards and protocols;
- Assisting in monitoring special education programs and related services to ensure compliance with Federal and State regulations and APS policies and procedures;

- Participating as part of a collaborative team to review data, engage in strategic discussions and follow-up activities, and participate in school walkthroughs, as needed;
- Troubleshooting major special education service issues to ensure all students with disabilities are receiving a FAPE in the LRE; and
- Consistently maintaining quality interactions with teachers, students, parents/guardians, and the larger community.

CASE CARRIER/SPECIAL EDUCATION TEACHER AND/OR RELATED SERVICE PROVIDER

Each local school principal must ensure a staff person has been identified to serve as the Case Carrier for students with disabilities.

At IEP meetings Case Carriers are responsible for:

- Coordinating along with the Student Support Coordinator that all referrals for evaluations and all required components are addressed and that the process is completed within 60 business days after receiving signed parental consent, including but not limited to, referrals for Assistive Technology/Augmentative Communication (AT/AAC) evaluations or functional behavioral assessments (FBAs);
- Ensuring that all parental notices and consents for evaluations and placements are processed and provided in the native language where feasible and placed in the student cumulative files;
- Ensuring an interpreter is invited to all IEP conferences (including initial and reevaluation eligibility determination meetings, and annual reviews) for parents who are limited English proficient;
- Arranging special education and related services for a student within the school in accordance with the student's IEP and contacting the Office of Special Education to arrange assignment in another school if necessary to implement the IEP;
- Finalizing each student's IEP in Synergy SE at the IEP meeting and providing the student's parents/guardians with a copy; and
- Ensuring that all relevant student data is entered into the Synergy in a timely manner.

Prior to an IEP meeting:

- Determining the date/time/location of the IEP meeting with participation of parents/guardians and other necessary team members;
- Providing written PWN within ten calendar days of the meeting, which includes indicating whether specific data has been collected;
- Determining which IEP team member(s) will review previous evaluation reports and report as the evaluation representative at the annual review meeting;
- Preparing an agenda for the meeting;
- Arranging accommodations for parents/guardians as necessary (e.g., interpreter or translator)
- Providing parents/guardians copy of draft IEP materials, Parental Rights, ESY and , along with copies of all other conducted evaluations and any other collected data at least two

business days prior to the meeting.

- Reviewing the current IEP to determine extent of mastery of annual goals or, if this is an Eligibility meeting, compiling data and anecdotal records, samples of student work, and other information relevant to determine the student's potential for learning, rate of learning, and need for specialized instruction, related services, and/or accommodations;
- Assessing current achievement levels and progress toward achieving Virginia Standards of Learning and IEP goals;
- Compiling qualitative and quantitative data and other information about the student's educational needs, in general and in relationship to the general education curriculum;
- Compiling qualitative and quantitative data and other information about special factors that may impede students' learning;
- Identifying students' talents, hobbies and other interests;
- Compiling qualitative and quantitative data on students' attendance and class participation;
- Compiling qualitative and quantitative data on levels of English language proficiency for students from a non-English language background;
- Compiling qualitative and quantitative data on native language proficiency on students who are English Learners (ELs) who are receiving EL services;
- If applicable, compiling qualitative and quantitative data regarding the need for paraprofessional support and/or ESY services;
- Based on the above information, make the draft available to the parents/guardians at least two business days prior to the IEP meeting to support meaningful participation in IEP development;
- Conferring with general educators, other special education providers and parents/guardians as needed;
- Developing brief written summary reports or notes of the student's needs or performance that will be shared at the meeting; and
- Completing draft evaluation reports at least two business days prior to the eligibility meeting.

At the IEP meeting:

- Starting the meeting with introductions of all IEP team members and ensuring that all required participants are present;
- Conducting the meeting by following an agenda and process based on the purpose of the conference;
- Ensuring the IEP is projected during the meeting to enable meaningful parental participation, and if the IEP cannot be projected, ensuring the parents/guardians either have access to a computer or a paper copy of the draft IEP;
- Facilitating the completion of the IEP document at the meeting; and
- Distributing copies of the completed IEP to parents/guardians, teachers and related service providers at the end of the IEP meeting.
- Having information regarding the student's present levels of academic achievement and functional performance in relationship to the general education curriculum, including progress toward IEP goals;

- Describing the student's learning style(s) and strategies that have been utilized with him/her, behavior and attendance as well as other relevant information regarding the student;
- Explaining the recommendations for proposed accommodations and modifications that will allow the student to be educated in the least restrictive environment;
- Explaining the recommendations regarding proposed annual goals and benchmarks/short-term objectives;
- After IEP team discussion, finalizing General Considerations, Areas of Need, Accommodations/Modifications, Specialized Instruction and Curriculum, Grades, Promotion, and Graduation, and, as appropriate, the Functional Behavioral Assessment/Behavior Intervention Plan (FBA/BIP), and Transition Plan
- After IEP team discussion, ensuring Placement in the Least Restrictive Environment, Extended School Year, Transportation and Procedural Safeguards are completed; and
- Finalizing their evaluation reports by the conclusion of the meeting.

Following the IEP meeting:

- Informing all staff involved in the implementation of the IEP of their responsibilities to implement the IEP as written;
- Monitoring to ensure that all services delineated in the IEP are delivered. If services cannot be implemented within ten business days, contact the Office of Special Education.
- Ensuring all teachers and related service staff who have a responsibility for the education of the student have access to the IEP;
- Coordinating all meetings related to IEP reviews and revisions, when necessary.
- Implementing the IEP - providing direct instruction and/or consultative services in the appropriate setting for the prescribed minutes as outlined in the IEP;
- Reviewing the IEP and understanding responsibilities for implementation;
- Collecting evidence/data regarding progress toward goals and objectives/benchmarks, as indicated by the evaluation criteria and evaluation procedures of each goal;
- Measuring and documenting on the IEP progress report the student's progress each quarter;
- Communicating with other service providers, including general education teachers, on a regular basis;
- Documenting service delivery;
- Establishing and maintaining effective and positive communication with parents/guardians; and Informing the local school district representative if there is a need for an IEP revision.

GENERAL EDUCATION TEACHER

Prior to the IEP meeting, the general education teacher is responsible for:

- Reviewing the current IEP or, if the purpose of the conference is to determine eligibility, compiling data including progress monitoring data through Arlington Tiered Systems of Support (ATSS) or other response to interventions, samples of student work, and other information relevant to determining the student's potential for learning, rate of learning and need for specialized instruction and/or accommodations;
- Identifying instructional and classroom management strategies that have been successful with the student;

- Observing the student's learning style in the general education classroom;
- Listing or identifying special factors that may impede the student's learning;
- Compiling qualitative and quantitative data and other information about the student's educational needs, in general and in relationship to the general education curriculum;
- Compiling qualitative and quantitative data and other information about special factors that may impede students' learning;
- Identifying students' talents, hobbies and other interests;
- Compiling qualitative and quantitative data on students' attendance and class participation;
- Compiling qualitative and quantitative data on levels of English language proficiency for students from a non-English language background;
- Compiling qualitative and quantitative data on native language proficiency on students who are English Learners (ELs) who are receiving ESOL services;
- If applicable, compiling qualitative and quantitative data regarding the need for paraprofessional support, ESY services and/or transportation;
- Sharing with the special educator comments on student progress toward achieving IEP goals, including student's participation in classroom activities;
- Collaborating with the special educator, as appropriate, regarding IEP goal implementation and/or data collection;
- Suggesting positive intervention strategies for improving the student's behavior, supplementary aids and services, program accommodations or modifications and supports for school personnel that may be necessary for the student to benefit from specialized instruction;
- Preparing a brief report of the student's current performance in relationship to the general education curriculum and including information regarding behavior and attendance patterns; and
- Collaborating with the special education teacher and/or related service provider(s) in drafting General Considerations.

During the IEP meeting, the general education teacher is responsible for:

- Sharing information regarding the student's present level of academic achievement and functional performance in the general education curriculum and the general education environment;
- Describing student's behavior and interactions with peers in the general education environment;
- Sharing information regarding the effect of accommodations provided for the student in the general education classroom during the previous school year;
- Making recommendations for continuation of those or other accommodations;
- Making recommendations for annual goals that relate to the progress of the student in the general education curriculum; and
- Assisting in the determination of placement (and LRE).

Following the IEP meeting, the general education teacher is responsible for:

- Implementing the IEP - providing accommodations and modifications in accordance with the IEP;

- Collaborating with the special education teacher, related service providers, and other teachers about meeting the student's needs and implementing the IEP;
- Establishing and maintaining communication with the parents/guardians;
- Assessing the student's progress on a regular basis (at least quarterly); and
- Informing the local school district representative if an IEP revision is needed.

PARAPROFESSIONAL

Paraprofessionals are responsible for:

- Collecting qualitative and quantitative data as directed by the teacher;
- Under the direction of the teacher, implementing accommodations and modifications and other educational or behavioral strategies used in the classroom;
- Providing feedback to the teacher about accommodations/modifications and other educational or behavioral strategies used in the classroom;
- Observing students and sharing information about student behaviors outside of the classroom;
- Assisting the special and/or general teacher in gathering documentation such as assessment data, work samples, observations and reports;
- Facilitating communication with linguistically and culturally diverse parents/guardians;
- Supporting students with disabilities in the general education curriculum with activities as directed by the teacher;
- Supporting the student in the use of technology in the classroom;
- Collaborating and communicating with appropriate school personnel about the needs of students with disabilities;
- Employing techniques, interventions, modifications and accommodations to meet the individual needs of students with disabilities under the direction of licensed school personnel;
- Working with a variety of students who may have diverse learning needs;
- Providing input to the teacher regarding the student's response to strategies that have been used in instruction or behavior management;
- Maintaining and protecting students' right to confidentiality;
- Assisting with the personal care needs (e.g., toileting) as identified in the student's IEP; and
- Documenting service delivery

PARENT/GUARDIAN/SURROGATE PARENT

The IDEA defines "parent" as:

- a biological or adoptive parent
- a foster parent
- a surrogate parent
- a guardian, but not the State if the child is a ward of State
- an individual acting in place of a biological or adoptive parent, including grandparents, stepparents or other relative with whom the child lives or an individual legally responsible for the child's welfare

SURROGATE PARENT

A surrogate parent is one who meets specific requirements and is appointed through APS established procedures, in accordance with federal and state regulations. A surrogate parent is appointed to represent the student in all matters concerning identification, evaluation, educational placement, and the provision of a free, appropriate public education. A surrogate parent is afforded the same rights as a parent.

Unless the parent or legal guardian allow relatives or private individuals to act as a parent, a surrogate parent is appointed when:

- no parent can be identified
- no parent can be found, after reasonable efforts to locate the parent have been exhausted
- the student is a ward of the state
- the student is an unaccompanied homeless youth as defined in the [McKinney-Vento Homeless Assistance Act](#).

PARENT VS. SURROGATE PARENT

In matters relating to special education, parents and surrogate parents have certain rights. It is important to know the legal definitions and implications of these terms as they relate to special education. You may not grant parent rights to any person who does **not** meet the qualifications of parent or surrogate parent. *If you are uncertain about the status of a person claiming to be the parent, surrogate parent, or authorized person to act in lieu of the parent, check with your school office, Special Education Coordinator, or school social worker.*

If a parent has a concern about their child's progress in school either academically, socially-emotionally, or behaviorally, the parent should first consult with the classroom/course teacher. If after meeting with the classroom teacher the parent feels that they need additional support and/or has additional questions, the parent can additionally consult with relevant staff members related to the area of concern. This can include the school counselor, school psychologist, reading specialists, EL teacher, Resource teacher for gifted, math coach etc.

After consulting with some additional school specialists, if the parent still has concerns about their child's progress, the parent can contact the school administrators for further support.

Finally, if the parent still has concerns about their child's progress, they can contact staff members in Arlington Public Schools for further support.

(<https://www.apsva.us/instruction/>)

Prior to the IEP meeting, parents/guardians are encouraged to:

- Participate with school personnel to determine a mutually convenient date and time for the IEP conference;
- Review the current IEP or, if the purpose of the conference is to determine eligibility, review any evaluation or assessment data submitted in advance of the conference;
- Review the most recent progress reports from teachers;
- Request a copy of the draft IEP materials that have been prepared for the IEP team's discussion and notify the local school district representative of any specific IEP items they may wish to discuss (e.g., goals, assistive technology, paraprofessional support, etc.);
- Request that school staff collect data regarding ESY, paraprofessional, and/or transportation services and/or placement in a separate day school, if the data has not already been collected and they believe such services and/or placement may be needed;
- Provide input regarding the student's strengths, abilities and needs;
- Think about the skills they would like their child to master by the end of the year and formulate a vision of the future;
- Notify the local school district representative if they need additional information (e.g., evaluation reports, previous IEPs or other records or reports, procedural safeguards, etc.), or any special accommodations (e.g., request to record IEP meeting due to parent/guardian disability); and
- Decide whether they would like to invite family members or other individuals having information regarding the student to attend the conference, and notify the local school district representative in advance of their intention to invite these other individuals.



NOTE: Surrogate parents are appointed only for the duration of the school year in which the appointment is made. If a student requires a surrogate parent during a specific school year, it cannot be assumed the same person will fulfill that role in subsequent years.



IN GENERAL, FAMILIES ARE ENCOURAGED TO FOLLOW THE GUIDANCE BELOW.

[Pre-K/Elementary Communication Flow Chart](#)

or

[Secondary Communication Flow Chart](#)

ADDITIONAL INFORMATION CAN BE FOUND AT THE [APS PARENT RESOURCE CENTER](#).

Parents/guardians are equal members of the IEP team and should be encouraged to actively participate in the discussion and decision-making during the IEP meeting.

During the IEP meeting, parents/guardians should be encouraged to:

- Share information about their vision for the student's future and expectations for the year;
- Identify the student's strengths and interests, including the types of activities the student enjoys at home and in the community;
- Share information about the student's relationship with siblings and neighborhood friends;
- Discuss the types of rewards and discipline strategies that are effective at home and in the community;
- Share relevant information about the student's medical and personal care needs;
- Provide input regarding annual goals and objectives/benchmarks and all other IEP components for consideration by the other IEP team members;
- Ask other IEP team members to clarify, explain or give examples for any information presented that may be unclear;
- Ask questions to clarify any reports or information regarding the student's present levels of performance in classwork, behavior and community activities, as appropriate; and
- Ask the local school district representative to review or explain parent/guardian procedural safeguards, if necessary.

Following the IEP meeting, parents/guardians should be encouraged to:

- Review the IEP document to assure that all decisions made at the conference are documented;
- Establish and maintain communication with teachers, paraprofessionals and related service providers;
- Assist the child with homework assignments and/or ask the teacher what can be done to help the child with school work; and
- Participate in APS parent/guardian training programs to enhance knowledge of relevant educational issues.

STUDENT

Students must be invited to attend IEP meetings if transition goals and services are being considered. If the student does not attend, efforts must be made and documented, to assure that the student's post-secondary preferences, interests and plans are considered by the IEP team.

Prior to the IEP meeting, the student should be encouraged to:

- Think about school activities they/them enjoys and activities they/them would like to pursue;
- Think about educational, employment, and independent living goals (e.g., college, career, job placement);
- Share any concerns or questions with his/her parents/guardians or teachers;
- Identify accommodations which have been helpful and those which were not useful; and
- Decide if they/them would like to share anything else about his/her educational needs and/or program at the IEP meeting.

During the IEP meeting, the student should be encouraged to:

- Identify the strengths and interests, including the types of activities they/them enjoys at home and in the community;
- Identify the academic and behavioral accommodations post-secondary preferences, and

interventions provided in class that are the most helpful and the least helpful;

- Share post-secondary preferences, interests and goals;
- Participate in the discussion of annual goals and objectives/benchmarks and other IEP components;
- Ask other IEP team members to clarify, explain or give examples for any information presented that may be unclear;
- Ask questions to clarify any reports or information regarding his/her present level of performance in class work, behavior and community activities, as appropriate; and
- Ask the local school district representative to review or explain procedural safeguards, if necessary.

Following the IEP meeting, the student should be encouraged to:

- Cooperate with teachers, paraprofessionals, related service providers, and parents/guardians in order to improve achievement and meet benchmarks and goals;
- Review the criteria for promotion and grading;
- Tell parents/guardians and teachers about problems encountered and request assistance, as necessary; and
- Indicate to parents/guardians and teachers which accommodations or modifications are helpful or not helpful.

ADDITIONAL RESOURCES

SPECIAL EDUCATION PARENT RESOURCE CENTER

The Parent Resource Center (PRC) is a valuable resource to parents of students with disabilities or to parents whose children may be entering the special education process. The PRC provides parent training workshops, a parent newsletter, a lending library, and serves as an information and referral source for family and staff members. Parent Resource Centers are authorized by the Individuals with Disabilities Education Act.

The PRC understands and promotes the need for families and schools to communicate clearly with each other. PRC can help teachers and staff better understand some issues from a parent's perspective and to introduce useful resources to teachers.



PRC staff can be reached at 703.228.7239. The address to the PRC is 2110 Washington Blvd, 1st Floor, Arlington, VA, 22204.

LANGUAGE SERVICES REGISTRATION CENTER

The Language Services Registration Center (LSRC) provides support to English Learners and their families.



FOR STUDENTS

The LSRC registers and evaluates students whose heritage language is not English or those students where a language other than English is the primary home language.



FOR FAMILIES

The LSRC familiarizes families with the Arlington Public Schools, including program options, as well as provides language interpretation and translation services in person or via phone.



FOR SCHOOLS

The LSRC provides interpretation and translation services to schools, and is especially valuable during parent-teacher conferences, and any meetings within the special education process. The LSRC also provides professional learning on topics related to world cultures, translation, and interpretation.



HOW TO ACCESS LANGUAGE SERVICES FROM LSRC

The APS website includes a description of the scope and type of services the LSRC can provide. As a school staff member, you will find a Request for Service form on the website to access interpretation services. **If you need another service (e.g., translation, evaluation of a new student), call the LSRC at 703.228.7663.**

THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

The IEP is a written document required for each student who is eligible to receive special education services under the IDEA. It is provided to a student who has been determined to have a disability and to need special education services because of the adverse effect of that disability. An IEP identifies a student's unique needs and how a school will strategically address those needs, and it reflects the discussion and decisions of the IEP team. The IEP establishes goals and identifies the supplementary aids, supports and services to allow the student to meet those goals. Most importantly, the IEP sits at the heart of a student's educational journey and should be a document that sets both realistic and ambitious outcomes for academic, functional (including, but not limited to, social/emotional and behavioral) and developmental growth. It also allows for meaningful access to the general education curriculum and serves to advance the goal of increased academic achievement and functional performance for students with disabilities.

In the beginning of each school year, Case Carriers will ensure that all staff have reviewed the IEP of students with whom they work or interact (e.g., teachers, coaches, specialists, assistants, etc.). All Case Carriers will ensure that each staff member has signed the appropriate Verification form (i.e., IEP, Section 504, Health Care Plan/Alert).

IEP MEETING

The local school district representative must ensure the parents/guardians are provided with written notice of an IEP meeting at least 10 business days prior to the IEP meeting. The parent/guardian may agree, in writing, to waive the right to this 10-calendar day notice. A copy of the draft present levels of academic achievement and functional performance (PLAAFP) and IEP will be sent to the parents via email at least 2 business days prior to the meeting. If U.S. Postal Mail is used, please allow 5 business days. At the IEP meeting, the IEP should be projected to support meaningful parent/guardian participation in the IEP discussion. If the IEP cannot be projected, the parent/guardian must be given either access to a District computer or a paper copy of the draft IEP sections that have been completed. If the parent is limited English proficient, an interpreter **MUST** be present at the IEP meeting to enable the parent to meaningfully participate in the meeting.

If the parent/guardian does not show up to the scheduled meeting, the meeting must be rescheduled at least once. The second Parent/Guardian Notification of Conference form must be sent in three different formats, one of which is US mail. Other types of transmission of the notice could be email, facsimile, or certified mail, phone call/voicemail, etc. If the parent/guardian does not show up for the second meeting, the IEP team can proceed without them unless the parent/guardian has requested another meeting date. The third meeting notice should be sent via US mail. The team may proceed on the third meeting date even if the parent/guardian does not show up or requests a fourth meeting date.

IEP team members may participate in the conference by telephone or other alternative means if they are unable to attend physically. In this case, the mode of participation is documented on the IEP.

IEP meetings may be recorded as long as the family has notified the school. Please consult page 3 of the Procedural Safeguards. The LEA should ensure that two recordings are made so that one can be maintained by APS.

IDEA allows certain related services IEP team members to be excused from attending an IEP meeting in whole or in part. The person who serves as the LEA may NEVER be excused from an IEP meeting. A team member may only be excused if:



NOTE: Ten calendar day notice in the native language where feasible must be given for each continued meeting date unless the parent/guardian waives in writing the 10-calendar day notification period.

1

The parent/guardian and District Representative agree in writing to the excusal. The Parent/Guardian Excusal of an Individualized Education Program Team Member form must be used whenever an IEP team member is excused, in whole or in part, from an IEP meeting.

2

The excused team member must submit in writing to the parent/guardian and the rest of the IEP team his/her input and any recommendations for the student prior to the meeting. This “written input” could include, but is not limited to, draft goals, suggested accommodations and modifications, evaluations, screenings or assessments conducted, record review summary or summary of classroom observations.

PARTICIPANTS

Pursuant to the IDEA, the following are required IEP Team participants:

- **Student's parents/guardians** (One or both);
- **General Education Teacher** (At least one), if the student is or may be participating in the general education environment. The general education teacher who serves as a member of a student's IEP team should be a teacher who is, or may be, responsible for implementing a portion of the IEP, so that the teacher can participate in discussions on how best to instruct the student;
- **Special Education Teacher** (at least one) (If the child is receiving only speech and language services, the Speech-Language Pathologist shall fulfill this role.);
- **For students who are 3 to 5 years of age**, an individual qualified to teach preschool students without disabilities;
- **Interpreter**. An individual who can interpret the instructional implications of any evaluation results. (A person may assume this role in addition to another role at the conference.);
- **School District Representative**. A representative of APS who is qualified to supervise the provision of special education services, is knowledgeable about the general education curriculum and available resources, and is authorized to commit resources on behalf of the District. (If a representative from ODLSS attends the meeting, such as when the IEP team may be discussing placement in a separate day school, that person acts as the District Representative and should be identified on the Parent/Guardian Notification of Conference as such.); and
- **The Student**. If a purpose of the conference is to plan transition services (usually age 14-1/2 and older), the student is age 18 or older, or if the parent/guardian chooses to have the child participate at any age.

The IEP team must also include:

- At the discretion of the parent/guardian or APS personnel, other individuals having knowledge or special expertise regarding the child (e.g., child welfare specialist if the student is a ward of the State, etc.);
- A qualified bilingual specialist or bilingual teacher, if the student is EL or the presence of such a person is needed to assist the other participants in understanding the child's language and cultural factors as they relate to instructional needs;
- A person knowledgeable about positive behavior strategies, if the child's behavior impedes his/her learning or the learning of others; and
- Interpreter for individuals who have limited English proficiency or who are deaf.

A single member of the IEP team may meet two or more of the qualifications specified above, so long as they are identified on the meeting notification.

SPECIALLY DESIGNED INSTRUCTION:

Specially designed instruction (SDI) is defined by IDEA as “adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child’s disability and to ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.” 34 CFR §300.39(b)(3). SDI should be based on IEP goals that are directly related to needs identified in the PLAAFP and should be based on skills that lead to long-term academic success that can be counted or quantifiably observed. The goals should also provide clear, specific descriptions of the skill to be learned and have mastery criteria that matches the skill being measured and the data collection method. The services identified in the IEP should reflect the areas where specially designed instruction is required for the student.

IEP Overview

The IEP must be reviewed and updated at least annually to determine a student’s progress toward attainment of his/her goals and to set new goals, etc. It must include:

- **Present Performance.** A statement of the student’s Present Levels of Academic Achievement and Functional Performance (PLAAFP) including how the disability affects his/her involvement and progress in the general education curriculum. For preschoolers, as appropriate, how the disability affects the student’s participation in early childhood-appropriate activities and outcomes.
- **Measurable Goals; Objectives.** A statement of measurable annual goals and short-term objectives or benchmarks, including academic and functional goals, designed to meet the student’s needs and enable them to be involved and make progress in the general education curriculum and meet other needs resulting from the disability.
- **Progress Reporting.** A description of how the student’s progress toward meeting the goals and short-term objectives or benchmarks (if applicable) will be measured and when periodic reports will be provided to parents/guardians on the progress toward meeting goals and benchmarks.
- **Services Provided.** A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, and program modifications or support for school personnel that will be provided to enable the student (1) to meet annual goals; (2) to participate and make progress in the general education curriculum, nonacademic parts of the school day and extracurricular activities; and (3) to be educated and integrated with age/grade appropriate nondisabled peers.
- **Placement.** An explanation of the extent, if any, the student will not participate with nondisabled peers in the general education classroom.
- **Accommodations.** A statement of any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on State and District assessments. The IEP must include a statement why the student cannot participate in the standard district and state assessments.

GENERAL CONSIDERATIONS

All needs stemming directly or indirectly from the student's disability that impact the student's academic or functional performance should be addressed in the IEP.

Student Strengths

The IEP team should describe what the student can do in positive terms. A summative narrative describes the student's strengths in academic, developmental, functional, and transition areas.

Academic, Developmental and Functional Needs

Academic Needs

Contains a narrative summation of the student's academic needs in each subject or content area. It includes a general summary of the student's academic needs- current levels of academic performance and areas of need in each core curricular subject. More detail for each subject or content area is discussed in Specialized Instruction.

The IEP team also reviews and documents the effectiveness of past interventions and/or strategies used with the student, including the success or failure of the accommodations/modifications outlined in the prior IEP.

Developmental/Functional Needs

Describes the student's social/emotional, behavioral, independent functioning, communication, and vocational deficits and needs. Explicit information about the student's strengths and weaknesses in each area are described along with the effectiveness of past interventions and/or strategies.

Communication Needs

Describes how the student communicates with others; this section should be completed for all students and is not limited to those with a speech or language impairment or currently receiving speech/language services. Verbal and nonverbal communication is considered, as well as pragmatic language skills. If a student utilizes an alternative/augmentative communication (AAC) device, the effectiveness of the device in allowing the student to communicate independently is noted as well as if any changes need to be made.

Considerations for Students with Autism Spectrum Disorders

The IEP team must consider each listed factor and provide a narrative of the student's needs, if any, and effectiveness of interventions and strategies already used with the student. All relevant items are addressed in the body of the IEP through goals, services, and accommodations and/or modifications.

- Verbal and nonverbal communication needs;
- Social interaction skills and proficiencies;
- Any unusual responses to sensory experiences;
- Any resistance to environmental change or change in daily routines;
- Engagement in repetitive activities and stereotyped movements;
- Need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from an autism spectrum disorder; and
- Other recommendations to assist the student to be involved and progress in the general curriculum.

RELEVANT TRANSITION INFORMATION

Relevant transition information in this section of the IEP does not refer to post-secondary transition but should address consideration of the student's ability to transition within the school setting, between classes, within subjects, elementary to high school and post-high school. The team describes any supports necessary to assist the student in these transitions. Any supports described in this section must be included in Accommodations and Modifications and/or Specialized Instruction.

MEDICAL CONCERNS

The nurse must be part of the IEP team if there are identified medical conditions. The nurse summarizes the information regarding any current medical conditions that require accommodations or modifications. For students with asthma, diabetes, food allergies and/or other life threatening allergies, the nurse identifies areas of concern that will be addressed in the student's Asthma Action Plan, Diabetes Care Plan, or Individual Health Care Plan and included in the IEP.

LANGUAGE AND CULTURAL CONSIDERATIONS (ENGLISH LEARNERS-EL)

The IEP team describes the second language support/program placement that student has received and whether any changes need to be made. For students who are not EL, describe how the language of the student's parents/guardians impacts learning and whether any cultural considerations exist and should be addressed through accommodations or other supports. The IEP team considers the student's English language needs as they relate to the IEP. Descriptions of an EL student's English proficiency and associated EL program placement are documented. The input of an EL teacher is required. For students who are not EL, describe how the language of the student's parents/guardians may impact learning. Parents/guardians of students who speak Amharic, Arabic, or Mongolian are informed of their ability to receive a translated copy of a completed IEP or 504 Plan. If this is requested, the information will be provided by APS staff within 10 business days.

Also, please see the [WIDA Sample Score Report](#) for more information.

PARENTS' /GUARDIANS' CONCERNS

As a member of the IEP team, parents/guardians are encouraged to participate actively during the IEP meeting and provide input in the development of their child's IEP, including any concerns they have for enhancing the student's education. Parents/guardians are asked to describe how they perceive the child to be functioning at school and how their child functions at home; the success of any interventions (rewards, chores, routine, etc.) used in the home; the child's view of school; and the parents'/guardians' vision of the child in the immediate future and post-high school. To facilitate the parent/guardians' input in the IEP, prior to the meeting, the local school district representative should ask them to identify their child's strengths, areas of need and any concerns they may have in order to share them at the IEP meeting. At the meeting, the local school district representative is responsible for ensuring the parents'/guardians' concerns are discussed and accurately documented in the IEP.

THE VIRGINIA DEPARTMENT OF EDUCATION REQUIRES:

Before a child enters secondary school, but no later than the first IEP to be in effect when the child reaches 14 years of age (or younger, if the IEP team decides that it is appropriate), the student's IEP must include:

- postsecondary goals, appropriate to your child's age, which are measurable and based on age-appropriate assessments. The goals should relate to training, education, employment, and if appropriate, your child's independent living skills; and
- transition services, including courses of study, which your child needs to reach his or her goals. These services must be based on your child's needs and take into account your child's strengths, preferences, and interests. These services must also include activities such as instruction, related services, and community experiences.

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) defines "transition services" as follows:

The term "transition services" means a coordinated set of activities for a child with a disability that:

- is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment); continuing and adult education, adult services, independent living, and/or community participation;
- is based on the individual child's needs, considering the child's strengths, preferences, and interests; and
- includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.



For detailed information about Transition Services for students, see [APS Transition Services](#).

POST-SECONDARY OUTCOMES

Indicate realistic, appropriate, and **measurable** post-secondary outcomes that take into account the student's preferences, strengths and interests. Post-secondary outcomes should be based upon age-appropriate transition assessments related to employment, education and/or training, and independent living skills. The post-secondary outcomes are statements that indicate what a student **"will" do** rather than "plans" or "hopes" after they/they has left high school and should be individualized to the student's preferences, strengths and interests.

PLANNED COURSE OF STUDY

Discuss courses the student will take while in high school (following the APS graduation requirements and course sequences).

COORDINATED SET OF ACTIVITIES

The coordination of activities is focused on improving academic and functional achievement to facilitate the student's movement from high school to post-high school. The services can be implemented by multiple IEP team members, and are intended to ensure transition planning is actively taking place throughout the year and that multiple individuals (e.g., parent/guardian, student, general education teacher, special education teacher, social worker) are involved.

PROGRESS IMPEDED; RECONVENE IEP TEAM

Whenever a student does not make progress, the IEP team should re-convene to review IEP goals (and objectives, if included) placement and program. Refer to VDOE guidance, [Special Education for Families](#) and [8VAC20-81-130 \(C\)\(1\)\(d\), 8VAC20-81-130 \(A\)\(1\) and \(A\)\(2\)](#) for more information.

PROGRESS REPORTING

APS staff use codes and anecdotal information to describe IEP progress. The selection of the appropriate code must be based on documentation of a student's progress and whether the student is likely to achieve the goal or objective *within the duration of the IEP*. If a student continually receives progress codes that do not indicate ongoing progress, the IEP team should re-convene and review IEP goals.

EXAMPLE OF SOME CODES USED BY APS STAFF:

ES Emerging skills	PD Previously documented performance not yet demonstrated
IP Insufficient progress	PN Progress not yet demonstrated
M Mastered	SP Sufficient Progress
NI Not yet introduced	N/A Not Applicable

AREAS OF NEED

The IEP team identifies the needs stemming directly or indirectly from the student's disability and the area(s) in which the student requires special education, related service(s), supplementary aids and services and/or accommodations/modifications in order to address the identified needs and be involved and make progress in the general education curriculum. The Areas of Need should include a description of the student's progress and the need for specialized instruction. It is important to identify all areas in which the student's disability is adversely affecting his/her educational performance. For example, a student with a reading deficit might be adversely impacted in multiple academic areas beyond English/Language Arts, so appropriate accommodations/modifications and/or goals, if necessary, should cover all areas impacted by the reading deficit.

Each school must ensure that students with disabilities have an equal opportunity to participate in academic, non-academic and extracurricular activities with non-disabled peers. The IEP team must determine and document the required supplementary aids and services necessary to enable the student to participate in all these programs.

Non-academic and extracurricular activities in which the student will or may participate should be discussed by the IEP team, including any supports or accommodations needed in order to participate in the activities. Extracurricular support should not be limited to students who are currently participating in extracurricular activities; it should also be discussed for all students who may participate.

If the student is in a grade which has a standard field trip (e.g., 8th grade trip to Washington D.C.), there should be a discussion regarding what supports, if any, are needed to allow the student to participate in this field trip. Students with disabilities are to be included in all age/grade appropriate field trips. A school may never refuse to integrate students with disabilities in lunch, field trips, assemblies and recess, based on administrative convenience and scheduling; any decisions to exclude a student from participating in such activities should be made on an individualized basis with a focus on the student's needs and safety.

ACCOMMODATIONS AND MODIFICATIONS

Accommodations and modifications, including supplementary aids and services, are provided to students based on individual needs. Supplementary aids and services may include, but are not limited to:

- Accommodations that change how a student accesses information and demonstrates learning, such as books-on-tape, large print books, highlighted reading materials, main idea summations, organizational aids, pre-written notes, study guides, rephrasing a question, additional time, calculators or word processor (Accommodations do not substantially change the instructional level, content or performance criteria);
- Modifications that change what a student is expected to learn and how the student will demonstrate achievement in the general education curriculum (Modifications may change the instructional level, the content and/or the performance criteria; however, even with a modified program, the student may work on the same subject area as the rest of the class);
- Consultative services where the special education teacher and/or related service; provider consult with each other and/or the general education teacher on strategies to assist the student to progress in the general education curriculum;
- Assistive Technology (AT) devices or services;
- Behavior intervention services, supports and strategies; and
- Paraprofessional support to provide assistance in specific areas of need.

ACCOMMODATIONS AND MODIFICATIONS: SPECIAL FACTORS

The IEP identifies six special factors which are discussed to further identify each student's individualized needs and determine whether the student requires this type of support in order to make progress in the age/grade appropriate general education curriculum. A student may or may not have needs in some or all of these areas. The six special factors include:

- For a student who is blind or visually impaired, whether they/them should be provided with instruction in Braille and/or the use of Braille;
- The communication needs of the student, and for a student who is deaf, the student's language needs and opportunities for direct communication with peers and staff;
- For a student who is an EL, his/her language needs as they relate to his/her disability;
- Student's need for AT devices or services; and
- For a student whose behavior impedes his/her or other's learning, the need for positive behavioral interventions, supports and strategies.

CONSIDERATION OF BRAILLE INSTRUCTION FOR A STUDENT WHO IS BLIND OR VISUALLY IMPAIRED

The IEP team can consider Braille instruction and/or use of Braille if required in combination with other special education services to meet the student's educational needs.

CONSIDERATION OF COMMUNICATION, TO INCLUDE ASL, NEEDS

The IEP team must consider the student's communication needs. In the case of student who is deaf or hard of hearing, the IEP team can review total communication systems in the student's language to include visuals, oral/aural, sign language and assistive technology. The IEP team should document ASL needs on the LRE and accommodations page.

CONSIDERATION OF ENGLISH LEARNER'S LANGUAGE NEEDS

For EL students, the team must determine the language needs of the student as they relate to his/her IEP.

CONSIDERATION OF NEED FOR ASSISTIVE TECHNOLOGY (AT) AND/OR AAC DEVICES OR SERVICES

Applicable Definitions

AT device: Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities.

AT service: Any service that directly assists in the selection, acquisition, or use of an AT device, including evaluation of the needs of a student with disabilities; purchasing, leasing, or otherwise providing for the acquisition of AT devices; selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing AT devices; coordinating and using other therapies, interventions, or services with AT devices; and AT training or technical assistance.

AAC system: An Augmentative and Alternative Communication (AAC) system is a type of assistive technology that "includes all of the ways we share our ideas and feelings without talking" (ASHA, 2019). Strategies and tools range from simple systems with picture symbols, objects, writing, communication board/book, to more complex systems such as a speech-generated communication device that may increase social interaction, participation and school performance.

Assistive Technology Considerations

"Assistive technology can ensure that students with disabilities receive a free and appropriate public education (FAPE) by allowing access to the general education curriculum and settings, providing opportunities for active participation with same age peers, and facilitating progress toward their educational goals." [Assistive Technology - VDOE](#).

The IEP team considers the need for assistive technology when developing a student's educational plan. VDOE has guidelines and resources available to school teams to support planning and implementation of assistive technology devices and services for students who require AT.

An IEP team may decide that a student with disabilities needs AT devices and/or services if the disability impacts the student's ability to access the curriculum and/or participate in school.

Teams first consider assistive technology available in their school or other supplemental resources available in the school district. An assistive technology specialist may support a team to learn about and explore these resources. If a student's needs are not met through these interventions, then the team may consider requesting an assistive technology assessment. For Parents requesting more information about Assistive



For additional information about assistive technology, please refer to the VDOE assistive technology web page and VDOE supported resources:

VDOE and assistive technology:

<https://www.doe.virginia.gov/programs-services/special-education/iep-instruction/assistive-technology>

Assistive Technology Network: <https://atnetwork.ttaonline.org>

AIM-VA: <https://aimva.org>

Technology, please contact the Student Support Coordinator at your child's school. If additional support is needed, the Assistive Technology Specialist that supports your child's school can be contacted by the Student Support Coordinator.

CONSIDERATION OF STUDENT'S NEED FOR POSITIVE BEHAVIORAL INTERVENTIONS, STRATEGIES, AND SUPPORTS

Positive behavioral interventions, strategies, and supports, or a formal functional behavioral assessment (FBA) should be initiated and a behavior intervention plan (BIP) developed, when a student's behavior impedes his/her learning and /or peers' learning. Prior to conducting the FBA, **parental consent must be obtained** either through the Parent/Guardian Consent for Individual Evaluation form in Synergy Ad Hoc documents.

A FBA is a problem-solving process for analyzing student problem behavior(s). It is designed to help teams select positive and appropriate interventions that directly address problem behavior; its focus is on identifying significant, student-specific, social, affective, cognitive, and/or environmental factors associated with the occurrence and nonoccurrence of specific behaviors. The broad perspective offers a better understanding of the purpose behind the student's behavior and an effective plan for addressing it.

A FBA:

- Involves a systematic process for identifying target behavior(s) and gathering information about when, where, and why a behavior is occurring, which leads to the development of the BIP;
- Is designed to help determine the antecedents and consequences of target behavior(s), as well as the communicative and functional intent of such behaviors;
- Leads to more specific and effective behavioral interventions; and
- Summarizes prior interventions implemented and indicates which prior interventions were successful and which were not.

A BIP must:

- Summarize the findings of the FBA;
- Describe the behavioral interventions to be used, including those aimed at developing or strengthening alternative or more appropriate behaviors;
- Identify the measurable behavioral changes expected and methods of evaluation;
- Include a schedule for a review of the interventions' effectiveness; and
- Include provisions for communicating with the parents/guardians about their child's behavior and coordinating school-based and home-based interventions.

CONSIDERING A RELATED SERVICE

GENERAL

Related services refers to developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education. It includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, (including therapeutic recreation), early identification and assessment of disabilities in children, counseling services (including rehabilitation counseling), orientation and mobility services, medical services for diagnostic or evaluation purposes, and transportation. Related services also include school health services and school nurse services, social work services in schools, and parent/guardian counseling and training.

SERVICES

Typically, related services include (but are not limited to):

- **School nursing services**, which remove physical and mental health barriers to learning and promote student health, thereby increasing instructional time and improving academic and functional performance;
- **Audiology services**, which provide care in the prevention, identification, diagnosis and evidence-based treatment of hearing, and other auditory disorders. Audiologists provide services and supports in order to minimize the negative impact of these disorders, assist students in benefiting from their special education and ensure student access to the educational program;
- **Counseling as a related service**, which provides students with counseling to manage challenges that could impact access to the curriculum;
- **Social work and/or psychological services**, which promote academic and social/emotional development by providing services to support the social, emotional and behavioral needs of students;
- **Speech-language pathology services**, which address communication, language and related literacy needs. Speech-language pathologists (SLPs) work with a variety of communication disorders which adversely impact the academic performance of students;
- **Occupational therapy services**, which deliver diagnostic and therapeutic services to students by supporting academic and functional outcomes; and
- **Physical therapy services**, which evaluate and facilitate the development of functional gross motor movement skills in order for students to access and participate in the educational environment and benefit from their special education.

RELATED SERVICE PROVIDERS (RSPS)

RSPs are specialists who work directly with students and school personnel to improve educational outcomes by assisting students in benefiting from their special education and increasing student access to the curriculum and learning environment. RSPs provide a variety of prevention and intervention services; collaborate and consult with teachers, school staff, and families to provide instructional strategies along with behavioral interventions and classroom management skills; create a continuum of support services for all students; and provide direct services and supports.

SERVICES ELIGIBILITY CRITERIA

An IEP team may decide that a student with disabilities needs related services only if documentation shows that the student has an identified disability **AND** the student needs related services to benefit from his/her special education in **AT LEAST ONE** of the following areas:

- A. Academic
- B. Functional
- C. Vocational/Transition

If the IEP team determines that a student needs direct related services, the team should next consider whether there is also a need for a RSP to consult with the classroom teacher(s), paraprofessional(s), and/or others in order to enhance development and generalization of the skill being addressed through direct service delivery.



REQUIRED DOCUMENTATION WITHIN AN RSP REPORT

Various sources of data can be used to help determine need for related services but not all data sources are required for all students.



REVIEW

record review including but not limited to ATSS or other response to interventions data, any private sector reports and diagnoses



INTERVIEW

parent/guardian, teacher and/or student



OBSERVE

formal or informal observation of student in multiple settings



TEST

formal and informal assessment measures

DETERMINING NEED FOR SPEECH-LANGUAGE PATHOLOGY SERVICES

GENERAL

The focus of school-based speech language pathologists is the communication abilities of students. The school-based speech-language pathologist's goal is to remediate, improve, or alleviate student communication and swallowing problems within the educational environment. To meet this goal, school based speech-language pathologists: (a) prevent, correct, improve, or alleviate articulation, fluency, voice, language, and swallowing impairments (b) reduce the functional consequences of the communication and swallowing disabilities by promoting the development, improvement, and use of functional communication skills; and (c) provide consultation to staff to provide resources and recommendations, (the social consequence of the impairment or disability) by facilitating successful participation, socialization, and learning. Regulations Governing Special Education Programs for Children with Disabilities in Virginia 1 (Virginia Special Education Regulations), 8 VAC 20-80- 10 et al. defines speech-language pathology services as: identification of children with speech-language impairments, appraisal and diagnosis of the impairment, referral for medical or other professional attention, provision of speech-language services for prevention or habilitation of communication impairments (VTSS), and counseling and guidance for parents, children and teachers regarding speech and/or language impairments. Speech language pathology services are both special education and a related service and may also be provided as part of a general education initiative (ATSS). The school-based speech-language pathologist may serve as a member of a variety of teams that make decisions regarding evaluation, eligibility, and services. The speech-language pathologist does not make decisions in isolation regarding the needed evaluation components, the child's eligibility for special education and related services, or the goals and objectives of intervention. The needs of students with disabilities are best addressed in a collaborative manner with a team of professionals providing services. Speech-language pathologists may also provide support when students are not eligible for speech-language services by participating on various prevention/early intervention teams (e.g., Instructional Support Teams, teacher assistance teams, and child study committees). On these teams, the speech-language pathologist may conduct observations, complete assessments, (i.e.: plan with teachers, model interventions, coach teachers, and/ or gather data, all in the context of general education). Speech-language pathologists may provide prevention and intervention services based on local programs and policies.

An IEP team may decide that a student with disabilities needs school speech-language services only if **BOTH** of the following guidelines are discussed and documented:

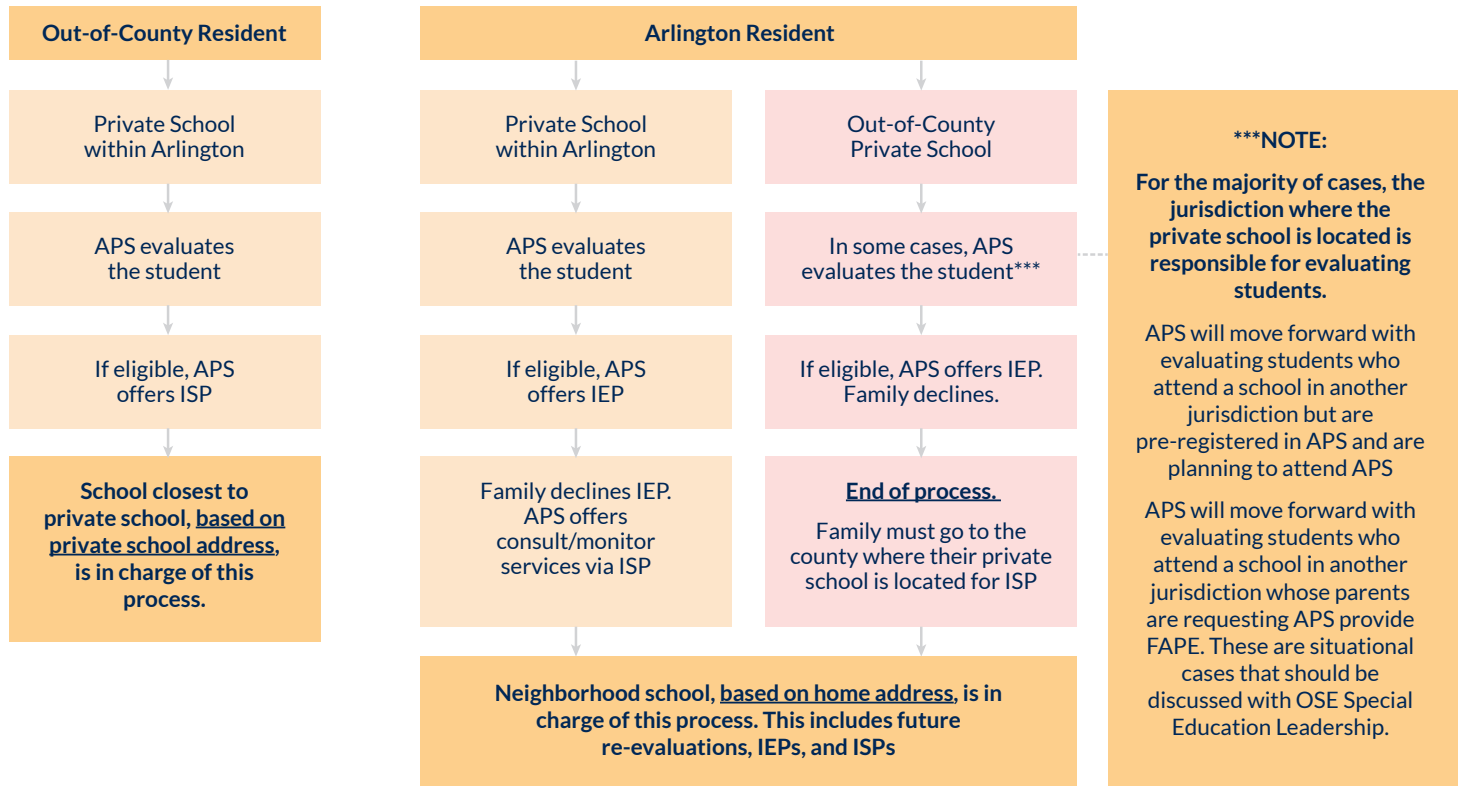


REFERENCED FROM:

<https://www.doe.virginia.gov/programs-services/special-education/specific-disabilities/speech-language-impairment>

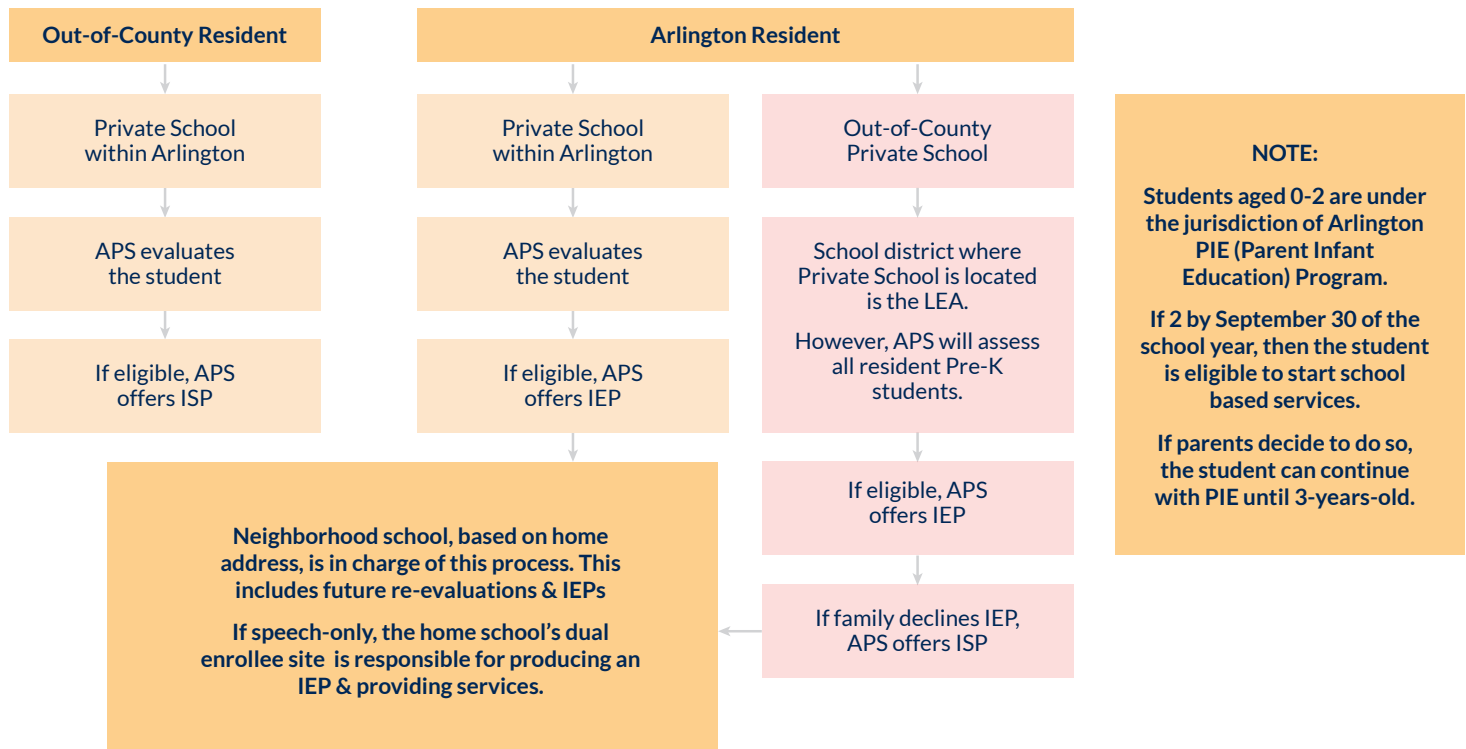
AGES 5-21 (K- GRADUATION)

Age 5 prior to 9/30



PRE-K*

*If 2 by September 30th of the school year, eligible for school based services up until age 6, if student is not enrolled in APS Kindergarten



If family decline IEP & ISP, do not exit the student from Synergy SE as every 3 years, we still hold the re-evaluation meeting as student is still eligible.

ELIGIBILITY CRITERIA

Guideline 1: Speech-language Deficit

The student has a speech-language deficit in ONE OR MORE communication areas below:

Language

A language impairment is defined as the inadequate or inappropriate acquisition, comprehension or expression of language. Students who have Limited English Proficiency (LEP) or those students who are not speakers of Standard American English due to sociocultural dialects are not automatically considered to be students with a speech-language impairment.

Speech

An articulation/phonological impairment is characterized by an inability to use speech sounds that are appropriate for a person's age and linguistic dialect. Such errors in sound productions may interfere with intelligibility, social communication, and/or academic and vocational achievement.

Voice

A voice impairment is defined as a pitch, loudness or quality condition that calls attention to itself rather than to what the speaker is saying. Before a child may be found eligible for services for a voice impairment, the child should receive a medical examination from an otolaryngologist (i.e., ear, nose and throat physician), clearing the child for intervention. This is important to ensure the source of the voice impairment is not an organic problem for which therapy is contraindicated.

Fluency

A fluency disorder is primarily characterized by repetitions (sounds, syllables, part words, whole words, phrases), pauses, and prolongations that differ in number and severity from those of normally fluent individuals. The onset usually occurs during the time that language skills are developing, and onset is generally gradual in nature. Secondary characteristics are frequently evident, and these vary in type and severity from individual to individual. The dysfluencies may interfere with intelligibility, social communication, and/or academic and vocational achievement.



****The speech and/or language deficit does not guarantee the student's eligibility for special education. Virginia criteria, including educational impact caused by the impairment and need for specially designed instruction, must be met in order for a student to be eligible for special education and related services.***

Guideline 2: Speech-language Services Are Necessary For The Student To Benefit From Special Education

The student's speech and/or language impairment adversely affects his/her academic and/or social performance, and/or postsecondary transition activities; or speech-language services are required to assist the student to benefit from special education.

RELATED SERVICE CONSIDERATION

The group that makes decisions about related services is the student's IEP Team. Eligibility committees may not determine the need for related services, but may review evaluation data and make recommendations to the IEP Team. (VDOE: Evaluation and Eligibility for Special Education and Related Services Guidance Document, January, 2018)

ALL of the following guidelines must be discussed and documented. The speech-language services:

- Are required beyond that which is normally available to all students (e.g., tiered supports);
- Will support functional change in speech-language skill;
- Are present regardless of the student's dialectical and/or characteristic of an EL;
- Are related to issues other than selective mutism or school phobia;
- Are not contraindicated by medical/physical, dental, or other circumstances that warrant discontinuation of services temporarily or permanently;
- Are needed to meet continuing targeted speech-language goals/benchmarks, if any; and
- Are necessary for the student's educational performance or specially designed instruction and cannot be directly provided by any other school personnel.

Students eligible for special education and related services should receive intervention from school-based speech language pathologists that is:

- curriculum-based,
- outcome-oriented,
- integrated with educational activities,
- diagnostic in nature,
- dynamic, changing as the child's needs change,
- based on research-proven strategies, and
- designed to ensure access to the general curriculum so the child can be successful in mastering the Standards of Learning.

DETERMINING NEED FOR SCHOOL AUDIOLOGY SERVICES

An APS audiologist can identify audiological deficits and support ways for the student to communicate and connect more effectively with others at school and school-related settings. APS audiologists can interpret an audiogram that is provided from the student's doctor. Please consult with the school-based administrator the audiologist assigned to the school to ensure they are consulted and/or invited to the meeting.

DETERMINING NEED FOR COUNSELING AS A RELATED SERVICE (CARS)

GENERAL

The primary providers of Counseling As a Related Service (CARS) are school social workers, school psychologists, or mental health therapists affiliated with specific special education programs (such as Interlude therapists).

School social workers promote academic and social/emotional development by providing a wide array of services to support the social, emotional and behavioral needs of all students. They provide services to students both in general and special education programs, using individual, group and classroom settings. School social workers support educational outcomes through implementation of ATSS utilizing evidenced-based interventions; development and implementation of intervention and prevention programs that assist in the reduction of at-risk students; and participation on problem-solving teams in the school environment to support student success. They foster a positive and safe learning environment by facilitating the development of students' prosocial, decision-making and self-management skills. School social workers act as a liaison between home, school and the community through collaboration with teachers, parents/guardians and community agencies.

School psychologists serve as members of interdisciplinary teams to address the needs of all students, including involvement in ATSS. They are an integral part of the ATSS, from system-wide program design, consultation, data collection and analysis, to specific assessment and intervention efforts with individual students. School psychologists support a students' ability to learn and teachers' ability to teach. They apply expertise in mental health, learning, and behaviors to help children and youth succeed academically, socially, behaviorally, and emotionally. School psychologists partner with families, teachers, school administrators, and other professionals to create safe, healthy, and supportive learning environments. School psychologists are instrumental in FIEs and the eligibility determination of an educational disability.

Interlude therapists are qualified mental health professionals such as licensed clinical psychologists, licensed clinical social workers, or licensed professional counselors. These professionals provide therapeutic services such as individual and group counseling, to students with disabilities.

ELIGIBILITY REQUIREMENTS

An IEP team may decide that a student with disabilities needs counseling as a related service only if documentation shows that **BOTH** of the following criteria are met:

GUIDELINE 1: STUDENT DEMONSTRATES SOCIAL, EMOTIONAL, OR ADAPTIVE SKILL DEFICITS AND/OR BEHAVIOR THAT IMPEDES HIS/HER LEARNING OR THAT OF OTHERS

Counseling as a related service (CARS) should be considered if a student has an ongoing or recurring need, such as, but not limited to:

- Exhibits difficulty developing and/or sustaining appropriate social relationships with peers and/or authority figures;
- Requires support to identify, manage, and regulate feelings/emotions;
- Needs assistance resolving conflicts effectively with peers and/or adults;
- Struggles with responsible decision making and anticipating the consequences of their behavioral choices;
- Displays difficulty with knowledge and awareness of their own personality/character;
- Struggles with self-management and taking responsibility for their own actions, behaviors, and well-being;
- Requires assistance with organization, time management, and planning skills; and
- Employs ineffective problem solving and coping strategies in response to stressful situations.

GUIDELINE 2: COUNSELING AS A RELATED SERVICE IS NECESSARY FOR THE STUDENT TO BENEFIT FROM SPECIAL EDUCATION

ALL of the following guidelines must be discussed and documented. The counseling services:

- Are required and are beyond that which is normally available to all students (e.g., tiered supports);
- Will support development or improvement of a student's social/emotional skills in order to access education and participate successfully throughout the day;
- Are needed to meet continuing targeted social-emotional IEP goals/benchmarks, if any; and
- Are necessary for the student's educational and/or functional performance or specially designed instruction and cannot be directly provided by any other school personnel.

DETERMINING NEED FOR SCHOOL NURSING/HEALTH SERVICES

The essential role of the School Nurse is to work in collaboration with the teaching, counseling and administrative staff to remove physical and mental health barriers to learning and to promote student health, thereby increasing instructional time and improving academic outcomes and functional performance. While many of these activities have previously fallen exclusively onto teaching and support staff, the availability of the nurse ensures comprehensive delivery of care and allows the faculty and staff increased time for other duties. School nurses provide first aid, emergency care identification and chronic condition case management to students.

An IEP team may decide that a student with disabilities needs school nursing services only if **BOTH** of the following guidelines are discussed and documented:

GUIDELINE 1: HEALTH CONDITION/IMPAIRMENT

The student has a health condition/impairment in **ONE OR MORE** of the following areas:

Chronic Health Condition

The student has an ongoing or recurring health issue, such as, but not limited to:

- Asthma;
- Allergies;
- Diabetes-Type 1 or 2;
- Seizure Disorder;
- Sickle Cell Disease;
- Cardiomyopathy;
- Hemophilia;
- Cerebral Palsy; or
- Spina Bifida

The healthcare provider has prescribed medication and/or a treatment procedure to control a condition, maintain a condition, prevent illness, or restore health; or

Impaired Mobility

The student has impaired mobility, chronic or temporary, which requires planning and accommodations in the school environment to assure the student's safety and comfort.

GUIDELINE 2: NURSING SERVICES ARE NECESSARY FOR THE STUDENT TO BENEFIT FROM SPECIAL EDUCATION

ALL of the following guidelines must be discussed and documented. The nursing services:

- Are required and are beyond that which is normally available to all students;
- Will support:
 - The student's ability to self-manage a condition (monitoring of direct services by the school nurse) and safely participate in the educational program to his/her level of safety and ability;
 - Daily functioning such as breathing, nutrition, urination, elimination, pain management, skin integrity, and physiological balance;
 - The student's chronic condition as documented by healthcare providers; or
- Assist with medication per physician or healthcare provider documentation;
- Are needed to meet all targeted nursing goals/benchmarks, if any; and
- Are necessary for the student's educational and/or functional performance or specially designed instruction and cannot be directly provided by any other school personnel.

DETERMINING NEED FOR OCCUPATIONAL THERAPY SERVICES

Occupational therapists (OT) work with members of the school team to remove barriers for students to access their education program. The primary goal of OT in public education is to enable children with disabilities to benefit from special education instruction in the least restrictive environment. This can be accomplished by delivering services to the child (direct service) , or on behalf of the child (indirect service). OTs support academic and functional outcomes, including social participation, fine motor skills, self-care skills, written production, behavior management, self determination, independent living skills, use of assistive technology, recess/play participation, self-regulation skills, pre- vocational skills, and more. Occupational therapists are particularly skilled in facilitating student access to curricular and extracurricular activities through collaborating with other team members to implement supports, adapt activities and materials, help students develop skills, design and plan accessible instruction, and other methods. Additionally, OTs play a critical role in training parents/guardians, staff members, and caregivers on educating students with diverse learning needs, interpreting medical information, and other services to the student and team.

Students must first be found eligible for special education to be considered for occupational therapy. Occupational therapy is NOT a stand alone service. To be found eligible for occupational therapy, OT services must be required for the student to access their special education program.

An evaluation conducted by a qualified APS occupational therapist is required to determine initial eligibility for services. Input from the occupational therapist is required to determine continuing eligibility, although existing data may be used to determine the need for continued service. Information from private occupational therapy evaluations may be included in decision making after review by an APS occupational therapist. Parental consent is necessary when any assessment instrument or formal observation is conducted to gather new data to be used for decision making.

Eligibility for occupational therapy is largely determined by data indicating the specialized skills of an occupational therapist are required in order for the student to access his or her educational program. Occupational therapists are integral members of the school-based teams that ensure a free and appropriate education for students with disabilities and prepare them for further education, employment and independent living.

RELATED SERVICE CONSIDERATION

The group that makes decisions about related services is the student's IEP Team. Eligibility committees may not determine the need for related services, but may review evaluation data and make recommendations to the IEP Team. ([VDOE Evaluation & Eligibility for Special Education and Related Services](#))

DETERMINING NEED FOR PHYSICAL THERAPY SERVICES

School-based physical therapists evaluate and facilitate the development of functional gross motor movement skills in order for students to access and participate in the educational environment.

Physical therapy (PT) interventions are designed to enable the student to move throughout the school environment; participate in classroom activities; maintain and change positions in the classroom; as well as manage stairs, restrooms, cafeteria and other educational environments. The PT designs and performs therapeutic interventions, including compensation, remediation, and prevention strategies and adaptations, focusing on functional mobility and safe, efficient access and participation in education activities and routines in natural learning environments.

The primary goal of PT in public education is to enable children with physical disabilities to benefit from special education instruction in the least restrictive environment. This can be accomplished by delivering services to the child (direct service), or on behalf of the child (indirect service). Besides directly working with students, PT services may include participating as a member of an IEP team; conducting evaluations; collaborating with school teams to develop adaptive strategies for students with physical disabilities; managing equipment such as standers, wheel chairs, etc; teaching and training teachers and caregivers; functioning as a consultant to other school personnel; supporting safe transportation; and, serving as a liaison among school, medical personnel, and medical equipment providers.

Eligibility for school based physical therapy is largely determined by data indicating the student requires the specialized skills of a physical therapist in order to physically access the school building, grounds, transitions, classroom activities, PE class, transportation, etc.

To determine the need for school based PT, students must first be found eligible for special education. School based physical therapy is NOT a stand alone service. An evaluation conducted by an APS physical therapist is required to determine initial eligibility for service. Input from the physical therapist is required to determine continuing eligibility, although existing data may be used to determine the need for continued service. Data from private evaluations, medical reports, parent, teacher and student perceptions, may also be included after review by the physical therapist. Parental consent is necessary when any assessment instrument or formal observation is conducted to gather new data to be used for decision making.

Eligibility for school based physical therapy is largely determined by data indicating the student requires the specialized skills of a physical therapist in order to physically access the school building, grounds, transitions, classroom activities, PE class, transportation, etc., in order to participate in his or her educational program. Physical therapists are integral members of the school-based teams that ensure a free and appropriate education for students with disabilities and prepare them for further education, employment and independent living.

PARAPROFESSIONAL SUPPORT

In addition to the classroom teacher or Related Service Providers, paraprofessionals may be needed to provide a student with support for his/her need for personal care, or for medical, academic, behavior, social, communication or other issues at school, and/or at school-sponsored activities or events.

PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

The IDEA requires that every eligible student who has a disability and is ages 2 through 22, inclusive, must receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) that is appropriate for the student.

The placement/LRE decision is made only after all of the goals, modifications and accommodations, and, when applicable, the BIP and/or transition plan have been developed in the IEP. The placement/LRE decision is based on the student's unique needs and not on the student's disabilities.

LEAST RESTRICTIVE ENVIRONMENT (LRE) DEFINED

The LRE mandate requires that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled. Special classes, separate schools or other removal of students with disabilities from the general education classroom occurs only when the nature or severity of the student's disability is such that education in the general education classroom with the use of supplementary aids and services cannot be achieved satisfactorily.

The LRE may be very different for each student, but the determining factor is always the student's individual needs. Depending on a student's needs, the LRE could be:

- General education classroom full time with supplementary aids and services, including special education teacher support through consultation or co-teaching;
- Removal from the general education classroom up to 20% of the student's day (student spends the remainder of his/her day in the general education classroom with supplementary aids and services, as appropriate);
- Removal from the general education classroom between 21% to 60% of the student's day (student spends the remainder of his/her day in the general education classroom with supplementary aids and services, as appropriate);
- Removal from the general education classroom from 61% to 100% of the day (student has integrated activities whenever appropriate, including homeroom, art, gym, music, computers, lunch, field trips, assemblies);
- Placement in a separate special education facility (this can be a APS separate program or State-approved nonpublic day school and integrated activities, including community-based programs,

- should be provided when appropriate);
- Placement in a residential facility; or
- Placement full-time in a home/hospital program.

MAKING THE PLACEMENT/LRE DECISION

Each year when the IEP is developed, the placement/LRE discussion for every student with a disability, including preschool students, begins with the general education classroom as the first placement option, including a discussion of special education, related services, and necessary supplementary aids and services being provided in the general education classroom. The IEP team should identify the student's strengths, and build upon those strengths while determining whether the student can benefit educationally from receiving his/her special education services and supports in the general education classroom. Nonacademic considerations, such as the social/emotional benefits of interaction with non-disabled peers, communication development and self-care skills, are also important when discussing general education classroom placement. The deficit areas that have been identified in the IEP should be carefully reviewed annually to determine if services can be delivered in the general education classroom through consultation, co-teaching or other supplementary aids.

When determining the LRE for a student with disabilities and before the IEP team recommends educational services outside of the general education classroom, the team should address several questions to ensure that the student will be educated with non-disabled peers to the maximum extent appropriate.

- Would the student benefit from receiving his/her special education and related services in a general education classroom for all or some of the school day?
- Can supplementary aids and services support the student's needs in the general education class?
- Can the student achieve his/her IEP goals within the general education classroom with the use of special education, related services, and/or supplementary aids and services?
- Does the IEP provide for a full range of supplementary aids and services that would facilitate the student's progress in the general education class?
- What are the nonacademic benefits to the student from interacting with non-disabled peers?
- Is the student so disruptive in the general education classroom that his/her education or that of other students is impeded, even with appropriate supports in place? and/or
- Does the student require the curriculum to be modified so significantly that it bears little or no relation to the general education curriculum and instruction in the classroom?
- Has the team consulted with the school social worker regarding services that could be provided to the student and family outside of school, such as in-home counseling, mentoring, individual support services, family support services or psycho-education potentially help the student's functioning in school?
- Has the family been provided information about services through the Arlington Family Assessment and Planning Team (FAPT)? [APS FAPT Brochure](#)

Begin the decision-making process by examining the general classroom placement as the first option. Have a serious and thoughtful discussion about the following three factors:

1. Consider whether the student can be educated satisfactorily in the general classroom with one or more of the following (not an exhaustive list):

- supplementary aids and supports program and/or curriculum modifications;
- special education teacher co-teaching the class;
- special education teacher and/or related service provider works with the student(s) individually or in small group within the classroom;
- training or other supports for the general education teacher;
- the use of assistive technology; and/or
- the implementation of a BIP designed to identify and meet the behavioral challenges presented by the student in the general education classroom.

2. Compare the academic and non-academic benefits to the student provided in the general education classroom and those provided in a special education classroom or separate setting including consideration of (not an exhaustive list):

- Social, communication, and self-help skills, as well as academic benefits; and
- The general education classroom placement is not contingent on the student's ability to learn the same things in the same way.

3. Consider the potentially beneficial or harmful effects that a general education class placement may have on the student with a disability or the other students in the class including (not an exhaustive list):

- Positive benefits such as social interaction with non-disabled peers, peer modeling, high expectations, and acceptance of others; and
- Harmful effects such as unduly disruptive behavior that impairs the student's learning or that of others, even with the implementation of a BIP and other supports.

No one factor outweighs the others. The IEP team should look at a student's individual needs and determine the most appropriate and least restrictive setting in which they/them would benefit educationally. Remember – even if the team determines that a student with disabilities should be placed in a separate class for particular curricular area(s), they/them still must be integrated



NOTE: Keep in mind that the placement decision cannot be solely based on:

- Category of disability
- Severity of disability
- Language and communication needs
- Needed modifications to curriculum
- Configuration of the District's service delivery system
- Availability of space or educational and related services

with non-disabled peers to the maximum extent appropriate and have access to the age/grade-appropriate general education curriculum even in the separate setting.

If the IEP team determines that a student with disabilities must be removed from the general education classroom because they/they will not benefit educationally--even with the provision of special education, related services, and supplementary aids and services--the IEP team must document the basis for this decision. A decision to remove a student with disabilities from the general education setting must always be based on individual needs and not on the nature of the student's disability. Additionally, separate classes, separate schooling or other removal of students with disabilities from the general education classroom must only occur if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

If the student will be removed from the general education classroom for any part of his/her day, the IEP team will continue its discussion of the continuum of options to determine an appropriate placement. The IEP must support both the chosen LRE placement and the basis for rejecting each of the less restrictive settings. A student with disabilities does not have to fail in a less restrictive setting before the team reconvenes and discusses moving the student to a more restrictive setting.

In determining placement, including for preschoolers, the IEP team begins the discussion with the school that a student would attend if not disabled. If the student will not attend that particular school, the team then must support this decision and provide the closest appropriate school location that can implement the IEP.

RELATED SERVICES DELIVERY AND LRE

When a student with disabilities needs related services, the IEP team determines whether the related service will be provided in the general education classroom; in a separate location but with non-disabled peers; in a separate class with no non-disabled peers; or in a combination of these locations. The first option considered should be a general education environment. Services provided in a general education setting meet the needs of students by providing access for all learners to the general education curriculum, promoting their relationships with general education peers, and eliminating additional transitions during the school day whenever practicable. Location of the services is based on the student's individual needs and on the most appropriate environment for skill acquisition. The location for related services may change over time in response to student performance and the educational program. If the team determines that the general education classroom or an integrated setting with non-disabled peers is not the appropriate location for delivery of the related services, the basis for this decision must be included on the IEP.

NONACADEMIC AND EXTRACURRICULAR ACTIVITIES AND LRE

In providing or arranging for the provision of nonacademic and extracurricular activities, any student with a disability that participates in these activities with non-disabled students to the maximum extent appropriate is provided support through ADA. The socialization opportunities

available to students with disabilities when participating in these activities are very important. The student should be provided reasonable accommodations supplementary aids and services that are necessary to enable the student to participate in the nonacademic and extracurricular services offered at the school.

EXTENDED SCHOOL YEAR AND LRE

LRE must also be discussed by the IEP team in the context of an extended school year (ESY) program for a student who is eligible for ESY services; however, the IDEA does not require that a school establish summer programs for non-disabled students for the sole purpose of providing integrated activities for students with disabilities in ESY programs. Because the primary purpose of ESY services is to prevent severe regression and recoupment problems, a student's placement for ESY services may differ from his/her placement during the regular school year. The LRE decision for ESY is made on a case-by-case basis.

REVIEW OF PLACEMENT/LRE

The IEP must be reviewed and revised as appropriate, but at a minimum of once a year. At each IEP meeting, the LRE placement of the student is discussed, beginning with placement in the general education classroom. The IEP team may recommend placement in a more restrictive setting only if the student's needs can no longer be met in a less restrictive placement, based on data provided in the IEP. The IEP must educationally justify the new placement.

POTENTIAL HARMFUL EFFECTS

In selecting the placement, the IEP team must consider the potential harmful effects, if any, on the individual student or the efficiency of services that they/them needs in the chosen placement. Whether or not any harmful effects exist is noted on the IEP. Some potential harmful effects to consider include, but are not limited to:

- Decreased access to the instructional opportunities available in integrated settings;
- Lack of opportunity for social interaction with non-disabled peers;
- Decreased self-esteem;
- Lack of opportunities for appropriate social, behavioral, or communication role models;
- Stigmatization; and/or
- Travel time to and from school location.

EXTENDED SCHOOL YEAR (ESY)

Extended School Year (ESY) services are considered at any IEP meeting, and a decision pertaining to the provision of those services made at each meeting. ESY does not serve the same purpose as summer school and may be delivered at other times during the school year. ESY addresses only those goals and objectives on the IEP that are considered critical life skills and that meet other criteria, defined below.

Summer school is a program available to all students that provides remedial, reinforcement, or enrichment activities and is not required to provide FAPE. ESY services may be provided in combination with an existing summer school program if it is appropriate for a specific student.

Federal and state guidelines are not specific in defining “critical life skills” ([Fact Sheet for Virginia’s Parents: Extended School Year Services](#)) although they are mentioned as part of ESY consideration.

In general, critical life skills include any skill that the IEP Committee agrees is crucial to the student’s overall educational progress. An IEP team may decide that a student with disabilities needs ESY services to receive FAPE only if qualitative and quantitative data shows that **ONE OR MORE** of the following criteria are met:

Summer school is a program available to all students that provides remedial, reinforcement, or enrichment activities and is not required to provide FAPE.

- **Regression/Recoupment** Is there a likelihood of substantial regression of critical life skills caused by a school break and a failure to recover those lost skills in a reasonable time? Some regression of skills typically occurs with all students during schools breaks, but such losses would not be considered substantial. If there is regression of skills that has not been recouped within 9 weeks, this might be considered “substantial”. Refer to IEP progress code “PD” (for goals) and “1” (for objectives) to indicate previously documented progress has not yet been demonstrated to document this on the IEP.
- **Degree of Progress** Review the student’s progress toward the IEP’s goals on critical life skills to determine whether, without these services, the degree or rate of progress toward those goals (or objectives) will significantly jeopardize receipt of benefit from his/her educational placement. Refer to IEP progress code “IP” or “PN” (for goals) and “2” – “4” (for objectives) to document this on the IEP.
- **Emerging Skills/Breakthrough Opportunities** Review all IEP goals targeting critical life skills to determine if any of these skills are at a breakthrough point. If so, the IEP team determines whether the interruption in services and instruction on those goals (or objectives) by the school break is likely to significantly jeopardize the student’s receipt of benefit from his/her educational program during the regular school year without these services. Refer to IEP progress code “ES” (for goals) to document.
- **Interfering Behaviors** Are there any interfering behaviors, such as ritualistic, aggressive or self-injurious behaviors targeted by IEP goals, that have prevented the student from receiving benefit from his/her educational program during the school year? Determine

whether the interruption of services that address the interfering behaviors is likely to significantly jeopardize the student's receipt of benefit from his/her educational programming during the regular school year without ESY services.

- **Nature and Severity of the Disability** Determine whether, without ESY services, the nature and severity of the student's disability are likely to significantly jeopardize the student's receipt of benefit from his/her educational program during the regular school year.
- **Special Circumstances or Other Factors** The IEP team determines whether, without ESY services, there are any special circumstances that will significantly jeopardize the student's receipt of benefit from his/her educational program during the regular school year.

Use **April 15** as the target date by which an ESY IEP is completed.

DETERMINING ESY SERVICES

Once the student has been determined to be eligible for ESY services, the IEP team should determine which goals are considered critical life skills and need to be addressed during the extended school year period and the frequency, duration, and location of the ESY services. If a goal identified to be addressed during the ESY period is met by the end of the school year, that goal will no longer be addressed during ESY. If the student has met goals to be worked on during ESY, the local school district representative should schedule an IEP meeting to determine whether the student still requires ESY services. When a student is determined eligible for ESY services, the parent/guardian must decide whether to accept or decline the services.

TRANSPORTATION

The IDEA includes transportation within its definition of “related services.” Transportation includes travel to and from and between schools, travel in and around school buildings, and specialized equipment if required to provide transportation to a student with a disability. The IEP team is responsible for determining if transportation is required to assist a student with a disability to benefit from special education, and how the transportation services should be implemented. The IEP should describe the transportation services to be provided, including transportation to enable a student with disabilities to participate in nonacademic and extracurricular activities in the manner necessary to afford the student an equal opportunity for participation in those services and activities to the maximum extent appropriate to the needs of that student.

Specialized transportation services can be a fundamental component of the provision of a FAPE that will assist students in preparing for employment and independent living in their communities. Therefore, IEP teams should consider the need for both transportation and travel training services when planning for a student’s postsecondary transition needs.

When a student is determined to need transportation services, the parent/guardian must decide whether to accept or decline the services. The parent/guardian’s decision of whether to accept or decline transportation services must be reflected on the IEP. If the parent/guardian provides notice (oral or written) to the local school district representative after the IEP meeting that they/them has changed his/her mind regarding accepting or declining transportation services, the IEP must be revised to reflect the parent/guardian’s new decision following the procedural safeguards for IEP revision meetings.

If the parent/guardian accepts transportation services, the IEP team then determines whether the student needs any accommodations (e.g., bus attendant, nurse, air conditioning, pick-up/drop-off other than home, presence of adult at drop-off location not required, car seat, harness, wheelchair lift or other specialized equipment, or other accommodations or supports) while traveling on the bus. The IEP team must also decide whether the student needs transportation as a related service for the life of the IEP, only this school year, only the next school year, or on a temporary basis with specific start and end dates and a justification. If the parent declines transportation, and will transport their child, APS staff will check the box in Synergy SE and document that the parent will provide transportation.



NOTE: Special education services can include travel training. Travel training is instruction that enables students with significant disabilities, and any other students with disabilities who require this instruction, to develop an awareness of the environment in which they live, and to learn the skills necessary to move effectively and safely from place to place within that environment.

GUIDELINES FOR DETERMINING NEED FOR TRANSPORTATION AS A RELATED SERVICE

An IEP team may decide that a student with disabilities needs special transportation services. This is an IEP team decision.

IDENTIFIED NEED	PERSONNEL REQUIRED AT THE IEP MEETING	ACTION TO BE TAKEN
Bus Attendant	IEP Team	Document the information supporting need for bus aide, such as the student: • Uses a wheelchair or walker to ambulate; • Has a documented medical condition that requires constant monitoring by a delegated care aide or another adult other than a nurse; • Has demonstrated a pattern of behavior that is considered dangerous to self or others while traveling to and from school and/or requires adult supervision; • Requires a car seat, harness, use of a wheelchair lift; or • Travels with oxygen as required by a doctor's order.
Nurse on the Bus	APS nurse	Participate and review documentation of the student's medical need.
Air Conditioning	APS nurse	Participate and review documentation of the student's medical need.
Presence of Adult at Drop-Off Location Not Required	Parent/guardian	Document in writing the preference for a student who is in the 6th grade or higher.
	IEP Team	Approve documentation showing that, in light of factors such as the student's age and his/her disability, the student has demonstrated the necessary maturity and ability to be dropped off without a receiving adult.
Other (Medical)	APS nurse	Review the documented basis of student need and note agreement with recommendation of other team members.

MEDICAID REIMBURSEMENT FOR CERTAIN SERVICES

WHAT IS MEDICAID

Medicaid is a joint federal-state program that provides coverage for health and other related services for the nation's most economically disadvantaged populations, including low-income children and their families, low-income seniors, and people with disabilities.

MEDICAID AND SCHOOLS PROGRAM

Arlington Public Schools currently bills the state Medicaid program for partial reimbursement for health-related services (i.e. occupational therapy, physical therapy, speech therapy, etc.) provided to special education students. These services must be documented in the child's Individualized Education Program (IEP) and have parental consent and will be kept confidential. Some examples of services include:

- physical therapy
- speech/language pathology services
- personal care assistants
- occupational therapy
- skilled nursing services
- special transportation

The Individuals with Disabilities Education Act (IDEA) provides that children with disabilities be provided with a free appropriate public education (FAPE). The special education and related services received by the child must be identified as the result of a comprehensive evaluation and described in an individual education plan (IEP). These services are provided free of charge to any special education student. In order for APS to seek partial reimbursement from Medicaid, parental consent must be provided to allow APS to share information with Department of Medical Assistance Services (DMAS). The student's IEP services are not affected by Medicaid parental consent. Health coverage for services outside the school system will not be impacted by the school billing Medicaid. Billing public insurance for special education services is an important source of funding for public school divisions. The monies received from Medicaid are used to pay for classroom staff, related services, and materials used in the provision of health-related services. It is beneficial to your child's educational program for the district to access these funds.

Parental consent for Medicaid purposes is requested at the time initial evaluations for special education are consented to. Parental consent for Medicaid is required one time. Parental consent can be revoked at any time by notifying the APS Medicaid Coordinator, but is not retroactive. Consent is valid for the duration of the time the student receives special education services. If a student leaves APS and then returns, parental consent is again sought.

Related service providers document services to all students on their caseload through an online system and are required to E-sign monthly. The Medicaid Coordinator is the only person who has access to the names of Medicaid eligible students. All students are documented in the same manner regardless of eligibility. Reimbursement goes directly from DMAS into the APS general fund as a lump sum.

APS is diligent in its protection of confidential information and continually strives to maintain the security of that information.

NOTIFICATION OF NON-IMPLEMENTATION OF IEP SERVICES

The Office of Special Education will notify families if this occurs.

SPECIAL EDUCATION REVIEW COMMITTEE (SERC)

PURPOSE

The Special Education Review Committee (SERC) provides an impartial problem solving forum to discuss student needs whenever a school or parents feel that resources in a student's current placement or program have been exhausted and the student may require a countywide program or contract service placement, or when there is a dispute about program and/or placement. The committee does not make placement or program decisions, but rather provides recommendations to the school-based IEP team.

COUNTYWIDE PROGRAMS AND SERVICES

PURPOSE

In keeping with its commitment to provide a free, appropriate public education in the least restrictive environment, APS offers a continuum of special education services within each school. These programs and settings range from full-time general education placement with monitoring or consultation services to part-time pull out services to full-time placement in a special education setting. For those students whose needs fall outside of school-based offerings, APS has a two-pronged approach.

- **Countywide programs** APS provides countywide programs for students whose needs cannot be met within the continuum of services within the zoned school. Countywide programs provide "intensified, high fidelity special education instruction in a continuous manner to groups of students with similar needs. The term 'county-wide [sic] special education program' indicates that specific, disability-relevant curriculum is being provided in addition to standards-based, content area instruction." (Process for Determining Placement, APS, September, 2015, p.5)
- **Countywide services** APS augments special education programs in the zoned school through a "concentrated services" model that provides required accommodations and services for students so they can access the general education curriculum. Examples of such services include Braille, sign language interpretation, and twice-exceptional support.



COUNTYWIDE PROGRAM PROCESS AND OFFERINGS

Refer to APS Countywide Programs website for more information:

<https://www.apsva.us/special-education/countywide-programs>

NON PUBLIC SCHOOL PLACEMENT BY PARENTS

A student that has been placed by a parent in a non-public school, including students who are home-schooled in Arlington that require special education, are eligible for an Individual Service Plan (ISP).

Services available to students attending public school may not be available to those attending private school. Virginia regulations allow APS and other school districts to limit the scope of services that may be provided to non public school students. Refer to How to Initiate a Services Plan for information on how to offer a Services Plan under differing circumstances.

APS may offer a Services Plan for a student that is not a resident of Arlington, but attend a private or religious school within the LEA. The school system within the jurisdiction where the student lives is responsible for offering an IEP if parents pursue public school enrollment.

HOMEBOUND INSTRUCTION

HOMEBOUND INSTRUCTION VS. HOME INSTRUCTION

Homebound Instruction is the responsibility of public schools when a student is unable to attend school due to medical issues. It is designed to be a temporary service with the understanding that the student will be returning to his/school program. Please refer to the [APS Homebound Instruction Resources](#), which provides a thorough review of the purpose, scope, eligibility requirements, and procedures that relate to Homebound Instruction in APS. Procedures are in full accordance with Virginia regulations. See also VDOE Homebound Services information at <https://www.doe.virginia.gov/programs-services/student-services/vulnerable-students-wellbeing-student-success/homebound-services>.

Families also have the option of educating their child outside of the public school system in a home or community setting. Please refer parents to the building administrator when they express an interest in withdrawing their child from the public school.



**[Learn more
about the Home
Instruction](#)**

SEPARATE DAY SCHOOL OR RESIDENTIAL PLACEMENTS

If placement in a separate day school or residential setting may be discussed at the IEP meeting, the Supervisor of Special Education **MUST** be invited to the meeting and will participate as the District Representative.

Placement in a nonpublic separate day or residential school is appropriate if the IEP team determines, based on data and other relevant information, that the nature or severity of a student's academic or functional (e.g., social/emotional, behavior, or transition) needs due to his/her disability (i.e., regardless of disability classification) is such that education within the APS system, with the use of special education, related services, and supplementary aids and services, cannot be satisfactorily achieved. As with all IEP decisions, placement (including, but not limited, to separate day school or residential placements) may not be determined prior to an IEP meeting and without parent/guardian input.

The separate day or residential school must provide all special education and related services and all educational accommodations and supports in accordance with the IEP and at no cost to the parents/guardians.

APS retains responsibility for the continued development, review and revision of the student's IEP. The duration of a student's placement in a separate day or residential school will depend upon the student's individual needs, as determined by the IEP team.

A student placed by APS in a separate day or residential school retains all of his/her substantive and procedural rights under IDEA.

A student placed in APS in a separate day or residential school retains all of his/her substantive and procedural rights under IDEA.

BEHAVIORAL NEEDS PLACEMENT CRITERIA

If an IEP team is considering whether a student with disabilities requires a separate day school or residential placement due to behavioral needs, **ALL** of the following guidelines must be discussed and documented:

Guideline 1: Highly Intensive Behavior

The student's behavior is considered to be **highly intensive** compared to peers, and includes but is not limited to:

- Physical aggression that causes serious bodily injury, including but not limited to:
 - Hitting/kicking
 - Biting
 - Fighting
- Self-injurious behavior;
- Property destruction that causes or may cause injury to self/others (e.g., throwing furniture, materials); and/or
- Sexual behaviors (e.g., harassment, aggression).

Guideline 2: Frequent Behavior

The student's behavior occurs at a frequency and/or duration that **significantly differs** from that of peers in the student's class.

Guideline 3: Tiered Supports And Interventions Implemented Without Success

As documented by the student's teacher pursuant to the ATSS/Response to Intervention framework or IEP progress monitoring, the school team should have done the following with fidelity and consistency without improved student behavior:

- Requested parent/guardian consent to conduct/update a FBA and followed the procedure outlined on page 49.
- Convened an IEP meeting to develop or update the BIP;
- Implemented function-based interventions and progress monitoring, including data collection (e.g., behavior interventions for a minimum of five weeks, where practicable).

With regards to behavior, the IEP team should also consider information, if any, regarding student hospitalization, SASS assessments, recommendations from private service providers who work with the student, as well as parent/guardian input.

NONBEHAVIOR RELATED GUIDELINES

If an IEP team is considering whether a student with disabilities requires a separate day school or residential placement due to needs other than behavioral needs, **ALL** of the following guidelines must be discussed and documented:

Guideline 1: Highly Intensive Academic Or Functional Needs

The student's academic or functional (including, but not limited to, emotional, adaptive, or transition-related) needs are considered to be **highly intensive**. This may include, but is not limited to, a need for:

- Unique specialized instruction due to significant academic delays and failure to make progress;
- Educational setting with therapeutic milieu and/or access to specially-trained staff throughout the school day;
- One-on-one or small group (less than three students) specialized instruction or services continuously throughout the school day; or
- Unique vocational programming that is not otherwise available in a District program.

With regard to functional needs, such as emotional or adaptive, the IEP team should also consider information, if any, regarding student hospitalization, SASS assessments, recommendations from private service providers who work with the student, as well as parent/guardian input.

Guideline 2: District Programming, Including Supplementary Aids And Services, Cannot Satisfactorily Address The Adverse Effects Of The Student's Disabilities And Is Insufficient To Meet The Student's Identified Needs

HOME OR HOSPITAL PLACEMENTS

The continuum of placement options includes instruction in the home or hospital setting when a student is unable to attend a school elsewhere due to a medical condition.

In addition, when a student has a medical condition that will cause an absence of two or more weeks of school or on-going intermittent absences, the student's IEP team should consider the need for home or hospital services. In such cases, home or hospital services must be based on a written statement from a physician that specifies: (1) the student's medical condition; (2) the impact on the student's ability to participate in education (the student's physical and mental tolerance for receiving educational services); and (3) the anticipated duration or nature of the student's absence from school.

The main goal of home/hospital services is to provide the student access to instruction while they/them is away from school managing his/her illness.

The main goal of home/hospital services is to provide the student access to instruction while they/them is away from school managing his/her illness. This program strives to keep the student current with classroom instruction and facilitate his/her return to the classroom setting. The amount of instructional and related service time will not be less than five hours per week, unless a physician in writing states otherwise, and will only occur on regularly scheduled APS school days. Homebound instruction generally begins after regular school hours and ends by 7:00 p.m., but this must always be determined by a student's IEP team based on his/her individual special educational needs.

CHILDREN'S SERVICES ACT (CSA)

The [Children's Services Act \(CSA\)](#) is for At-Risk Youth and Families. CSA is a law enacted in 1993 that establishes a single state pool of funds to purchase services for at-risk youth and their families.

COMMUNITY POLICY MANAGEMENT TEAM (CPMT)

The Community Policy Management Team (CPMT) coordinates agency efforts, develops policies, manages the available funds, and sees that eligible youths and their families are referred for services as appropriate.

FAMILY ASSESSMENT AND PLANNING TEAM (FAPT)

The FAPT receives requests for approval of Individual Family Services Plans (IFSP's) developed by multi-disciplinary treatment teams, which include parents/guardians. IFSP's are developed based on the strengths and needs of the individual youth and family.

Both FAPT and CPMT memberships include parents, staff from community services boards, court service units, the department of social services, the public schools, and private providers. The CPMT also has a member from the local health department.

For students who are attending private day or residential schools due to IEP placement, APS Special Education Coordinators for Contract Services staff will collect and submit to the Department of Human Services CSA Coordinator all necessary documentation to ensure that CSA requirements are met. Special Education Coordinators for Contract Services serve as LEA representatives at IEPs and reevaluations, and maintain student educational files in the Office of Special Education at the APS Central Office.

Referrals for non-educational, interagency support services may be made by any agency staff, including APS staff, along with parents, to FAPT. For example, APS staff may recommend a family consider community based services for the purpose of potentially avoiding the need to place a student in a more restrictive special education setting. Such referrals may be coordinated by school social workers or families may go to Same Day Access at the Department of Human Resources to seek services. For more information, please contact an APS school social worker or the APS Supervisor of School Psychology and Social Work.



HERE IS A LINK TO FAPT INFORMATION ON THE DHS WEBSITE:

<https://family.arlingtonva.us/child-welfare/csafapt/>

WALK-IN FOR SAME DAY ACCESS CLINICAL ASSESSMENT TO DETERMINE



HOURS:

Monday	10 a.m. – 2 p.m.
Tuesday	10 a.m. – 2 p.m.
Wednesday	10 a.m. – 6 p.m.
Friday	10 a.m. – 2 p.m.



LOCATION:

DHS Child and Family Services Division,
Children's Behavioral Healthcare Bureau
2100 Washington Blvd., 3rd Floor
Arlington VA 22204

Contact us today for more information:
703-228-1560

RELATIONSHIP BETWEEN THE LOCAL FAPT/CSA AND THE IEP

IEP's are developed and modified by multidisciplinary IEP teams which consist of APS staff and the student's parents. Federal and state requirements prohibit any single entity or individual person from changing the services or placement specified on the IEP. The FAPT and the CPMT are likewise prohibited from changing the IEP, including services and placement specified. The role of the CSA Coordinator includes the verification of eligibility for CSA funding, collection of uniform assessment and demographic data required for reporting, collecting information from IEP reviews and progress reporting for purposes of documenting utilization review. The CPMT holds responsibility for establishing policies and procedures to ensure access to funds for eligible children, i.e., students with IEP's directing placement into private education programs.

With respect to the IEP, best practice suggests that students with IEP's may benefit from multidisciplinary planning to address needs of the child and/or family that extend beyond the IEP. If any member of a student's team believes that community-based services may be of potential benefit to a student's overall success, that member can refer the family to the school social worker for consultation regarding FAPT and potential services. An Individual Family Services Plan (IFSP) may be developed by the school social worker in conjunction with the family and private service provider(s). The IFSP is reviewed and services are authorized by the FAPT to address non-educational needs of the child and/or the child's family. Such needs would arise from the child's disability and require services that are not a part of the child's special education program. The services would be designed to increase the child's ability to be successful in the home, community, or school setting. Services might be provided to a student receiving special education services in the public school, a private day school, or in a residential program as needed to maintain the student in, or transition the student to, a less restrictive home, community, or school placement.

STUDENTS WITH DISABILITIES IN PRIVATE PLACEMENTS

All children placed in a private placement through CSA who are eligible for special education shall have an IEP. The local school division that is part of the FAPT that placed the child shall be responsible for the IEP.

- For an educational placement of a student with a disability (as specified by the child's IEP) the school division shall develop the IEP and hold responsibility for assuring that special education services are provided.
- For a non-educational placement for a student with a disability (a placement made by another agency or the FAPT), the school division that is part of the FAPT shall convene the IEP team to review the IEP and consider the student's educational needs within the non-educational placement. The IEP shall reflect that the student is now in a non-educational placement and shall address the student's special educational needs while in the placement. The revised IEP for a non-educational placement is not considered the source of the residential placement, and thus, the residential placement cannot become an IEP "stay put" placement.
- The school division is responsible for ensuring that special education and related services are provided in accordance with the IEP while the child is in the non-educational placement. The school division has no responsibility for the residential placement/services.
- The school division is not responsible for special education least restrictive environment requirements, as the child's placement was made for non-educational reasons.
- If a due process hearing is filed, the last educational placement agreed to by the school and parent is the "stay put" placement.

ROLE OF PRIVATE SPECIAL EDUCATION SCHOOL

Any IEP meeting for a child in a private school placement shall include a representative of a private school or facility. The school division may have the private school or facility revise the IEP, however, the facility may not do so unless requested by the school division and must involve school division personnel. No changes may be made to the IEP without local school division involvement and written approval. For any child placed into a private special education school through CSA, for educational or non-educational reasons, the responsibility for compliance with special education requirements remains with the school division on the CPMT responsible for the placement.

STUDENTS WITH DISABILITIES PLACED IN CARE IN ANOTHER LOCALITY

If the local social services agency, community services board, court services unit, or Community Policy and Management Team places a student with a disability in a child caring facility, foster home or other residential setting cross-jurisdictionally (outside of the CPMT's political jurisdiction), the placing CPMT shall ensure that the student's special education needs are considered in the context of the proposed placement. When the IEP specifies services within a public school setting, the receiving school division must review the current IEP and determine if a) the school division can implement the IEP as written, or b) make appropriate modifications to the IEP so that it can be implemented. If it is determined that the student's needs cannot be met in the receiving school division, the school division on the placing CPMT is responsible to determine an appropriate placement for the child. Collaboration with the school division in the receiving locality is encouraged. Funding for private educational services remains the fiscal responsibility of the placing CPMT.

STUDENTS WITH DISABILITIES IN FOSTER CARE

Local school divisions shall provide special education services to children in foster care who can be educated in the public schools in that locality or in a public regional program. The division will be reimbursed by the Department of Education as part of the foster care reimbursement fund.

If a child's special education needs cannot be met within the public schools in the jurisdiction in which the child is placed, the school division that is part of the placing CSA team is the division responsible for ensuring development of an IEP to determine an appropriate educational placement. Fiscal responsibility for private education placements remains the responsibility of the placing CPMT.

STUDENTS WITH DISABILITIES NOT IN FOSTER CARE

Local school divisions are not required to enroll children who are non-residents and not in foster care nor a licensed child-caring facility. Each local school board can determine whether that division will admit non-residents and, if so, if the board will charge tuition.

Prior to placing a non-foster care child cross-jurisdictionally, it is imperative that the CPMT determine if the child can enroll in the local school division. If the school board's policies do not permit enrollment, then other arrangements must be made for either the child's education, or for another living arrangement. The CPMT shall not make a placement for a child which denies the child's access to education.

The CSA Pool cannot pay tuition to a local school division. If a child who is not in foster care is placed for non-educational reasons in a group home in a locality which charges tuition for non-resident students, the local school division on the placing CSA team will be responsible for payment of tuition. This underscores the importance of working with the local school division representatives on the FAPT/CPMT prior to out-of-jurisdiction placements.

The CSA Pool cannot pay tuition to a local school division.

SPECIAL EDUCATION AND CSA UTILIZATION REVIEW

Due to federal mandates associated with the special education process, utilization review procedures are to be completed by the IEP team and must be based upon the goals in the IEP. IDEA requires at least annual review of the IEP and progress reporting at least as often as reporting is provided to parents of students without disabilities. In APS, IEP progress reports are provided on a quarterly basis.

The CSA utilization management process must be applied to special education services in conformity with special education laws and regulations. IDEA requires that students with disabilities be provided services in accordance with their IEP's and that funding for such services must be "sum sufficient," i.e., these services must be provided regardless of cost. IDEA prohibits a State from using a funding mechanism by which funds are distributed based on the type of setting in which a child is served that would result in the failure to provide a child with a disability a free and appropriate education. Each locality must ensure that its utilization management processes do not interfere with the IDEA protections provided to each individual student with a disability.

RESIDENCY

The Regulations Governing Special Education Programs for Children with Disabilities in Virginia define residency for students with disabilities who are placed in residential programs for non-educational reasons outside of their resident jurisdictions. In general, students who are not in foster care remain residents of the locality in which their parents reside.

When a student with a disability who is not in foster care is placed into a residential program by a CSA participating agency or by the FAPT/CPMT, the student remains a resident of the locality in which his/her parent resides. The CPMT of the child's residence is fiscally responsible for special education services.

When a student who is not in foster care is placed into a residential program by his/her parent for non-educational reasons, the school division of the child's residence is responsible for the provision of a free, appropriate public education (FAPE).



ASSESSMENT, CURRICULUM, GRADES, PROMOTION AND GRADUATION

ASSESSMENT: STATEWIDE

Virginia regulation, requires that all students with disabilities participate in state and county-wide assessment programs. These assessments are separate from assessments used in the Arlington Tiered System of Supports (ATSS). Students may use [allowable accommodations as identified by VDOE](#) and the student's IEP in order to participate in the Virginia testing programs. Although most students with disabilities participate in the SOL testing program with or without accommodations, some students meet criteria for participation in the VDOE alternatives (see below) due to the nature and severity of disability. In all cases, a student's participation in any state mandated test must be documented on the IEP. If a student will not participate in the standard SOL assessment, the IEP must provide a statement that includes why the student will not participate, the impact the decision has on promotion or graduation, and how the selected alternative for assessment is appropriate.

Any accommodations necessary for classroom instruction are a part of the IEP and inform necessary test accommodations.

Any accommodations necessary for classroom instruction are a part of the IEP and inform necessary test accommodations. Accommodations provided for assessment should reflect accommodations used in the student's instructional program. No test accommodation should be identified if it is not required in the classroom during instruction or routine tests.

VDOE's [Children with Disabilities: Guidelines for Assessment Participation \(2015\)](#) is an essential resource that provides a clear description of the purpose, format, appropriate audience, and other pertinent information about each testing option. Only a summary of each option is below. Check with your school's Testing Coordinator and Special Education Coordinator to learn deadlines for application or notification for alternate assessment participation, collection of evidence, etc.

STANDARDS OF LEARNING (SOLS)

The Virginia SOLs define expectations for curricula and student mastery. Assessments measuring student achievement are conducted in the late spring in grades 3-8, and at the end of certain courses in high school. Most students with disabilities participate in the SOL course of study and in the SOL assessments, with or without accommodations as indicated by the IEP and allowed by VDOE.

THE VIRGINIA ALTERNATE ASSESSMENT PROGRAM (VAAP)

The Virginia Alternate Assessment Program (VAAP) is designed to evaluate the performance of students with significant cognitive disabilities who are working on academic standards that have been reduced in complexity and depth. This content is derived from the Standards of Learning (SOL) and is referred to as the Aligned Standards of Learning (ASOL). Students in grades 3-8 who are participating in the VAAP are required to submit evidence in the same subject areas as required of their non-disabled peers in the same grade level. High School students participating in the VAAP are required to submit evidence in reading, writing, mathematics, science, history/social sciences by the end of their completion of grade 11 or on a schedule identified by the local school division. Virginia Department of Education Staff will be revising VAAP to comply with ESSA requirements with the new VAAP being administered starting in school year 2021-22.



VIRGINIA MANDATED TESTS AND GUIDELINES

For detailed information about Virginia mandated tests and for guidelines in selecting appropriate test accommodations, see [Participation in the Virginia Assessment Program: A Resource for Educators and Parents of Students with Disabilities](#) and [Testing Accommodations for Students with Disabilities: Growth Assessments and Standards of Learning Tests](#).



ASSESSMENT: COUNTYWIDE

APS conducts countywide assessments in a variety of areas at specified times in a student's school career. Examples of these assessments include the PALS beginning in pre-K or kindergarten-5, Math and Reading Inventory in 6-8, beginning of the year math assessments in K-8, the algebra assessment in grades 7-12, and the SAT. Check with your school's Testing Coordinator to learn when division-wide assessments will be given.

Students with disabilities may have accommodations during the testing as long as they are allowable by the test and they are included in the student's IEP. The APS Office of Planning and Evaluation provides a yearly quick reference guide detailing allowable accommodations by test, tests given in each grade level, and guidelines for selecting accommodations. For those students who will not participate in the division-wide testing, the IEP must include a statement that explains the reason, the impact non-participation has on promotion and graduation, and how the student will be assessed.

TEST ACCOMMODATIONS

Know what the test is measuring Accommodations in testing refer to changes in format, response, setting, timing, and/or schedule that do not significantly alter what the tests measures. For instance, a student may require extended time for math testing. Unless the test intends to measure speed of response, extending time for the student does not change that the test is measuring mathematical skill. It is imperative that you check any available literature that describes what a test is measuring before the IEP team believes a particular accommodation is necessary. In this hypothetical case, if math skill is defined as computation, extended time does not alter the validity of the test. If, however, math skill were defined as accurately computing 25 math problems within 15 minutes, extended time interferes with the intent of the test.



CAUTION

Test accommodations are available for those students who require them in order to access the test. They are not used to give the student an advantage; rather they level the playing field. To that end, never ever include accommodations on an IEP that are not necessary and truly are not used during classroom instruction or routine classroom testing. In fact, to present an accommodation for the first time to a student on a countywide test usually plays to the student's disadvantage. They/they does not know how to use it, or the novelty of it interferes with concentration.

AGE OF MAJORITY AND TRANSFER OF RIGHTS

In Virginia, the age of majority is age 18.

- The date of the student's 18th birthday is the date when procedural safeguards and other rights afforded to parents of a student with a disability transfer to the student.
- At least one year before the student's 18th birthday notice must be given to parents and the student that informs both parties of the transfer.
- At least one year before the student's 18th birthday, there must be a statement in the IEP that the student and parents have been informed that the transfer will occur once the student reaches age 18.
- The exception to the transfer of rights at the age of majority is if the adult student has been declared legally incompetent or incapacitated, cannot provide informed consent, the student designates by written power of attorney another competent agent to act in his/her best educational interests, or other legal circumstances.
- Depending on specific circumstances, the transfer of rights may be designated to certain eligible parties.
- Virginia regulations allow for review of an adult student's case if the decision to transfer procedural safeguards to someone other than the student was made. Transfer may be revoked, terminated, or superseded by court order or by the adult student under specific circumstances.
- For complete information, refer to [8VAC20-81-180 \(A\)\(B\)\(C\)\(D\)](#).

ADDITIONAL IEP RELATED MATTERS

IEP DISSENTING OPINION

Any IEP team member, including parents/guardians, may record when they/them disagrees with the ultimate decision of the IEP team regarding identification, evaluation, educational placement and/or the services identified to ensure the student receives a FAPE. The parents/guardians and any other IEP team member can record his/her dissenting opinion in writing and the SSC can upload it or it can be recorded in SE under additional information sections.

IEP REVISIONS

If revisions to sections of the IEP are needed during the school year after an annual IEP meeting, then the IEP team should convene an IEP meeting to discuss the proposed changes. It may take several meetings to propose and discuss the entire IEP. Additional meeting time may be required to ensure that everyone participating has their information presented and parents (and their representatives, if any) have adequate time to discuss and provide their input. All of which will be documented as considerations in the Prior Written Notice (PWN). While it is our goal to agree on all contents of the IEP, sometimes further discussion does not result in consensus. In this situation, the team should continue reviewing other components of the IEP. For example, after having a robust conversation about a goal that the parent disagrees with, eventually, if the parent and APS members of the IEP team cannot agree on that goal, the team must move on to the next goal or to the next section.

In all but the most extraordinary circumstances, three IEP meetings should be sufficient to complete a proposal. It is the responsibility of APS to propose an IEP in a reasonable amount of time.

TRANSFER STUDENTS

GENERAL

Students transferring from outside APS or within APS who have a valid eligibility identification and current IEP, as defined by IDEA, are entitled to special education and related services specified or comparable to those in that IEP. A parent's statement that the student received services does not replace required documentation. Upon receipt of the transferring student's Education Record, your building administrator and/or Student Support Coordinator will review the student's record to check for completeness.

FOR STUDENTS TRANSFERRING WITHIN APS

The continuing implementation of the IEP from the sending APS school should be seamless. If revisions to the IEP are necessary because of the transfer, an IEP meeting must be scheduled as soon as possible, but not more than 30 days following enrollment, so that an appropriate IEP can be developed and implemented.

FOR STUDENTS TRANSFERRING FROM WITHIN VIRGINIA

The student’s IDEA identification is accepted by APS and, with parent consent, a 30 day transfer IEP is developed and implemented. If review of the student’s Education Record suggests there is insufficient information or that there is reason to question or validate the sending school’s eligibility determination or IEP, APS may request a formal review.

All procedures pertaining to IEP development and IEP meetings must be followed. Parent consent is required for IEP implementation in Arlington.

Eligibility status If there are concerns regarding a transferring student’s eligibility or disability, a meeting must be scheduled. The team will review the student’s Education Record and determine what additional information needs to be gathered in order to prepare for a reevaluation meeting. All established procedures pertaining to reevaluation planning and reevaluation meetings are followed. Refer to “IEP status” (above) to be sure all IEP policies and procedures are in place during this time.

FOR STUDENTS TRANSFERRING FROM OUTSIDE VIRGINIA

The student’s IDEA identification is accepted by APS and, with parent consent, a 30 day transfer IEP is developed and implemented. If review of the student’s Education Record suggests there is insufficient information or that there is reason to question or validate the sending school’s eligibility determination or IEP, APS may request a formal review.

IEP STATUS	ELIGIBILITY STATUS
An IEP meeting must be scheduled within 30 days of the student’s enrollment in APS to develop an Arlington IEP. During those 30 days, the current IEP is implemented OR an interim IEP is developed at an IEP meeting, following all procedures pertaining to IEP development and IEP meetings. Parent consent is required for IEP implementation in Arlington.	If there are concerns regarding a transferring student’s eligibility or disability, a Reevaluation Planning meeting must be scheduled. The team will review the student’s Education Record and determine what additional information needs to be gathered in order to prepare for a reevaluation meeting. All established procedures pertaining to reevaluation planning and reevaluation meetings are followed. Refer to “IEP status” (above) to be sure all IEP policies and procedures are in place during this time.

DISCIPLINARY REMOVAL OF STUDENT FROM CURRENT SETTING

DISCIPLINE: SHORT AND LONG-TERM REMOVALS

STEP BY STEP PROCEDURES TO FOLLOW

Positive behavioral supports: The IEP team should review the IEP to determine whether goals and services that address the presenting behavioral concerns need to be developed. If it is unclear what might be the catalyst for the behavior, the IEP team can consider recommending that a Functional Behavior Assessment (FBA) be conducted to help determine how to appropriately address the student's behavioral needs. There may be times, however, when unique circumstances direct the IEP committee to consider a short-term removal or a change in placement.

Short-term removals: A short-term removal does not exceed ten (10) consecutive school days or ten (10) cumulative school days within a school year. In these cases, the student's placement is moved to an appropriate interim alternative educational setting, another setting, or the student is suspended from school. These alternatives are the same as those for students without disabilities. The short-term removal does not constitute a change in placement if APS determines that the short-term removals are for isolated, unrelated instances that are not considered a pattern.

APS does not provide instruction during the first ten days of a removal for any student. When there are several short-term removals that do not constitute a pattern, APS is required to provide necessary services for the student to continue to participate in the general education curriculum, including participation in Virginia and APS assessments, and to progress toward IEP goal attainment. Needed services are determined by school personnel in consultation with the student's special education teacher.

Long-term removals, patterns, and change of placement: A long-term removal is for more than ten (10) consecutive school days and may be used when a series of short-term removals constitutes a pattern. The series of short-term removals may represent a pattern because 1) the removals exceed ten (10) school days within a school year, 2) the misconduct is substantially similar in each incident that caused short-term removals, and/or 3) additional factors such as the length of each removal or the proximity of removals to one another may form a pattern. APS determines if a pattern of removals constitutes a change in placement. APS provides instruction for a student who has been long-term removed to enable him/her to continue to participate in the general education curriculum, including Virginia and APS assessments, and to receive services and modifications described in the IEP to aid in IEP goal attainment. In addition, a functional behavior assessment (FBA) should be conducted and behavior intervention services and modifications should be developed to address the behavioral issues to prevent recurrence. The IEP Committee determines necessary services to be provided. Disciplinary action totaling ten (10) accumulated school days within the school year requires a Manifestation Determination Review.



Any student, regardless of disability, is expected to follow the code of conduct of the Arlington Public Schools and the school of attendance. Whenever a student violates that code of conduct, they/ them is entitled to the same due process rights afforded to all students and is subject to disciplinary action. However, specific steps must be followed when a student with a disability requires disciplinary intervention. Be sure to familiarize yourself with the [Arlington Public Schools code of conduct](#).

DISCIPLINE: MANIFESTATION DETERMINATION REVIEW (MDR)

PURPOSE

APS conducts a Manifestation Determination Review (MDR) whenever a student has accumulated ten (10) business days of disciplinary action within a school year. It is held to determine whether the misconduct is caused by or related to a student's disability, or if the incident was a result of a failure to implement the IEP. State and federal regulations require that an MDR be held whenever a change in placement is being considered because a student violated the code of conduct.

Virginia regulation clarifies whether the misconduct is a manifestation of the disability by asking if the conduct was:

- by or had a "direct and substantial relationship" between the student's disability and the behavior, or
- by a failure to implement the IEP.

PROCESS

Once an MDR meeting is proposed, either by APS or parents, the IEP team must convene within ten (10) days following the decision to conduct the MDR.

All relevant information pertaining to the student is reviewed, including the IEP, any teacher observations, information in the Education Record, and relevant information provided by parents.

OUTCOME

The IEP team determines whether the misconduct meets criteria for being a manifestation of the student's disability.

If it is determined that the misconduct was caused by failure to implement the IEP, the school must take steps immediately to correct the situation.

If it is determined that the misconduct was caused by or had a direct and substantial relationship to the student's disability

- the student is returned to the placement from which they/they was removed unless the IEP team agrees to a change in placement as part of a modification in a behavior intervention plan (BIP), Exception: If the student had been in an interim alternative educational placement and has not yet been enrolled for the maximum of 45 school days, they/they may remain in that placement for the remainder of the 45 day period.
- An FBA should be conducted, unless it had been conducted prior to the change in placement, and the revised or newly developed BIP implemented. The FBA may consist of existing or new information, as determined by the IEP team. If new information is sought, parents may request an independent educational evaluation (IEE).

If it is determined that the misconduct was not a manifestation of the student's disability, all appropriate disciplinary procedures that apply to students without disabilities may be enacted.

If parents disagree with the outcome, they may appeal the decision by requesting an expedited due process hearing.

Discipline-related procedural safeguards for students with disabilities may also apply to students who are not yet eligible for special education and related services. Students who have not been determined eligible for special education and related services, and who engage in conduct that violates a Student Code of Conduct (SCC), may assert procedural safeguards of the IDEA if the District is deemed to have had knowledge that the student had a disability, before the behavior occurred that precipitated the disciplinary action. School officials are deemed to have prior knowledge that the student has a disability if:

School staff must follow the disciplinary procedures applicable to students with disabilities.

- The parent/guardian expressed a concern in writing to supervisory or administrative personnel or to the student's teacher, that the student is in need of special education and related services;
- The parent/guardian requested an evaluation of the student; or
- The student's teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to supervisory personnel.

If any of these circumstances exist, school staff must follow the disciplinary procedures applicable to students with disabilities. If none of these circumstances exist, the student may be subjected to the same disciplinary measures applied to non-disabled students.

If a request is made for an evaluation during the time the student is subject to disciplinary removal, the evaluation must be conducted in an expedited manner. However, if the District is not deemed to have had knowledge that the student had a disability before the behavior that lead to the disciplinary action, until the evaluation is completed the student remains in the educational placement determined by school personnel, which can include suspension or expulsion.

Suspension days that were issued during the current school year prior to the school officials having knowledge that the student has a disability must be counted when considering whether the 10-day limit per school year has been reached.

MANIFESTATION DETERMINATION REVIEW (MDR) DOCUMENTATION

- Provide written notice to the parent/guardian of the disciplinary action.

- Schedule the MDR, which must be held within 10 business days of the date of the incident.
- If applicable, The LEA representative will make a referral to the Department of Administrative Services for a disciplinary hearing or to request an assignment to an interim alternative educational setting.
- Provide the parent/guardian written notice prior to the MDR being held, using the a *Meeting Notice in SE Ad Hoc*s to indicate the purpose of this meeting as:
 - Consider relatedness of disability to disciplinary code violation(s);
 - Consider the need for a FBA for the student; and
 - Review a need to create or revise a BIP for the student.
- Provide parent/guardian/surrogate with a written copy of the *Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities*.
- Conduct the MDR.
- The parent/guardian, local school district representative, special education teacher, evaluation representative and any other relevant members of the IEP team must be present for and participate in the MDR. The “relevant members of the team” are determined by the parent/guardian and District Representative. At the MDR conference, the IEP team must:
 - Determine whether the misconduct is related to the student’s disability by reviewing all current and relevant information, including evaluation and diagnostic results, information from the parent/guardian, observations of the student, and the student’s IEP. The behavior is a manifestation of the student’s disability if:
 - the conduct in question is caused by the student’s disability or has a direct and substantial relationship to the student’s disability; and/or
 - the conduct in question is the direct result of the school’s failure to implement the student’s IEP.
- The IEP team reviews, and revises if necessary, the student’s existing BIP or initiates a FBA/BIP to address the misconduct. The FBA/BIP must address the behavior(s) which led to the disciplinary action.

MANIFESTATION DETERMINATION DECISION

The IEP team must provide a written narrative substantiating its determination.

If the student’s behavior is not a manifestation of the disability, school officials may implement disciplinary action, taking into consideration the student’s special education and disciplinary records. In no event, however, may the student be suspended for more than 10 consecutive or cumulative school days in a school year without providing IEP services.

If the student’s behavior is a manifestation of the disability, a disciplinary change in placement (e.g. expulsion) cannot occur. The IEP team should also consider if there is a need for a reevaluation and/or revision of the IEP. Students with disabilities, even if expelled, must be provided with a FAPE in an alternative educational setting.

REMOVAL TO AN INTERIM ALTERNATIVE EDUCATIONAL SETTING (IAES)

Students may be removed to an IAES for up to 45 school days under the three special circumstances below, without regard to the MDR outcome:

- The student carries to school or possesses a weapon at school, on school grounds or at a school function;
- The student possesses, uses or sells illegal drugs at school, on school grounds or at a school function; or
- The student inflicts serious bodily injury on another person at school, on school grounds or at a school function.

The student must receive services which enable him/her to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals.

IDEA PROCEDURAL SAFEGUARDS

IDEA requires that parents/guardians receive a copy of their procedural safeguards at least once a year, except that a copy must also be provided:

- When there has been an initial referral or parent/guardian request for an evaluation;
- When APS has received a due process complaint or State complaint; or
- Upon a disciplinary removal that constitutes a change in placement (e.g. placement in an interim alternative educational setting or recommendation for expulsion).

Parents/guardians must be provided a copy of the procedural safeguards upon request even if the school has already provided them a copy within the year.

PRIOR WRITTEN NOTICE (PWN)

The PWN must be sent at least 10 business days after any meeting of the IEP team, including initial evaluations, 3-year reevaluations, and initial, annual, and other IEP meetings.

REVOCATION OF CONSENT

Parents/guardians may revoke consent for evaluations (initial and reevaluations) and for provision of special education services at any time. According to Virginia state regulations, parents/guardians may revoke this consent either in writing or orally.

WRITTEN REVOCATION REQUIRED

Any time a parent/guardian orally revokes consent, the school must put the parent/guardian's revocation in writing within five calendar days and provide the parent/guardian with a copy of the written summary of the oral revocation. The written summary indicates that the school understands that the parent/guardian is revoking consent for an evaluation (initial or reevaluation) and/or special education services. The written summary includes a statement that the parent/guardian should contact the school immediately if they/them disagrees with the school's summary.

REQUIRED PROCEDURES

When a parent/guardian revokes consent, the following procedures are followed:

SPECIAL EDUCATION AND RELATED SERVICES

The school must provide prior written notice to the parent/guardian within ten calendar days of either the receipt of written revocation of consent for services or of the written summary of the parent/guardian's oral revocation of consent for services before ceasing the student's special

education and related services. A student whose rights have transferred at age 18 may revoke services, unless they/they delegated educational rights to the parent/guardian or a legal guardian for the student has been appointed by a court. In these instances, prior written notice is given to both the student and the parent/guardian. The prior written notice must be provided using the appropriate form - *PWN for Revocation of Consent for Services*. The notice includes a statement that all special education and related services will cease because of the revocation of consent. The school ceases services no later than 10 calendar days after the revocation of consent.

The IDEA does not allow the school district to request mediation or a due process hearing when a parent/guardian has revoked consent for special education and related services.

EVALUATIONS

If the parent/guardian revokes consent for an initial evaluation or reevaluation, the evaluation process must stop immediately. The revocation should be acknowledged and documented in a PWN. The school will have the option of requesting a due process hearing to obtain an order from a hearing officer to proceed with the evaluation process. Neither IDEA nor State regulations set a time limit for this due process request; however, three-year reevaluations are mandated by IDEA and have a time frame associated with them. If a parent/guardian revokes consent for a three-year reevaluation, the school must contact the Office of Special Education at 703-228-6042 at least 30 days prior to the due date for completion of the three-year reevaluation, so a due process request can be considered.

RESUMPTION REQUEST

If a parent/guardian revokes consent for special education and related services and later requests to resume special education services, the request must be treated as a request for an initial evaluation.

EDUCATIONAL RECORDS

The school is not required to amend the student's educational records to remove any reference to the student's receipt of special education and related services because of the revocation. Parental requests to amend/expunge a student record must be sent to the Director of Student Services.

INDEPENDENT EDUCATIONAL EVALUATION (IEE)

Parents/guardians may request an Independent Educational Evaluation (IEE) for their child if they disagree with an evaluation that has been conducted by an APS staff member. The Virginia regulation 8VAC20-81-170 (B) gives explicit information about procedures for a parents/guardians request, APS responsibilities, credentials of an evaluator who is not an APS employee, how the evaluation results should be considered, and how often a parents/guardians may request an IEE. APS may agree that an IEE be provided or it may file a due process request to show that the APS evaluation is appropriate.

Parents/guardians have the right to request one independent educational evaluation (IEE) annually at public expense if they disagree with an evaluation conducted by APS. The request should be submitted in writing to the Student Support Coordinator at the student's school.

IDEA TIMELINES - QUICK REFERENCE

Referral – Within 10 business days of receipt of a referral, the local school district representative with other school personnel and the Parent/Guardian, must convene a meeting to discuss the need for evaluations.

Initial Evaluation – Completed within 60 business days after the date the referral was made.

Reevaluation – Within 60 business days after the date the referral was made but no later than 3 years from prior IEP meeting at which eligibility was discussed

Meeting Notification – At least 2 business days prior to meeting

Parents/Guardians Disagree Regarding No Additional Information Needed for Evaluation – Within 10 calendar days school must respond in writing to parent/guardian's request for additional evaluation(s).

Evaluation Reports – APS staff evaluation reports are made available to parents 2 business days in advance of the meeting.

- **IEP Development** – Initial within 30 business days.
- **Initial Placement or Change in Placement** – 10 business days from date IEP developed unless parent/guardian waives waiting period
- **Consideration of Private Evaluations** – If received from parent/guardian outside of an IEP meeting, within 10 calendar days after receipt, send an IEP meeting notice to the parent/guardian. Best practice is to schedule meeting within 30 calendar days of receiving report on a mutually agreeable date and time.
- **Parent/Guardian Requests IEP Prior to Annual Date** – Within 10 calendar days after receipt of request schedule an IEP meeting.

03

SECTION 504 GUIDANCE

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SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education. Specifically, Section 504 indicates that no otherwise qualified individual with a disability shall, solely because of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal funds.

The purpose of Section 504 of the Rehabilitation Act of 1973 is to (1) eliminate discrimination on the basis of disability in any program or activity provided by school districts and other educational providers that receive federal financial assistance and (2) ensure that students who are Section 504-eligible have equal educational opportunities equivalent to those of their nondisabled peers. Unlike the IDEA, Section

504 does not limit coverage to certain specific categories of disabilities and no categorical labels are necessary. Instead, a student with a disability under Section 504 is defined as one who (1) has a physical or mental health impairment that substantially limits a major life activity (2) has a record of such an impairment, or (3) is regarded as having such an impairment.



Please click [here](#) for a copy of the Section 504 Parent Rights.

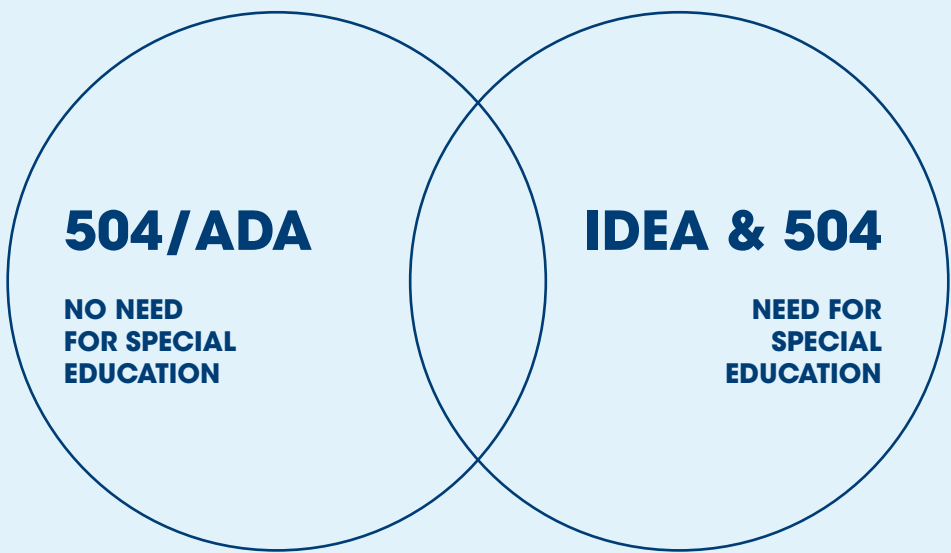
SECTION 504, THE AMERICANS WITH DISABILITIES ACT/IDEA

The Americans with Disabilities Act is a more comprehensive civil rights law than Section 504; however, the requirements of the two laws regarding elementary and secondary education are essentially the same. When Congress amended the Americans with Disabilities Act in 2008 (effective 2009), it

expanded the definition of a disability and included a provision stating that the expanded definition applied also to Section 504. The Individuals with Disabilities Education Act covers only students with specific disabilities who require special education services to benefit from an education. Disability areas

are not specified under Section 504, and a student with disabilities is protected even if (s) he does not need special education services and requires only accommodations and/or services. Thus, students may be covered under both IDEA and Section

504.1 Students who do not meet IDEA but do meet Section 504 requirements have Section 504 protections only. The graphic below illustrates how Section 504, ADA and IDEA overlap.



WHAT IS SECTION 504?

The statute was intended to prevent intentional or unintentional discrimination against persons with disabilities, persons who are believed to have, are regarded as having, or have a record of having disabilities. Section 504 was enacted to “level the playing field” – to eliminate impediments to full participation by persons with disabilities. OCR’s regulations recognize that, in order to provide individuals with disabilities the same opportunities as others, it may be necessary to provide additional services.

This legislation protects the civil rights of people with disabilities, i.e., physical or mental impairments that substantially limit one or more major life activities. It prohibits organizations that receive federal funds from discriminating against otherwise qualified individuals on the sole basis of a disability. Section 504 of the Rehabilitation Act of 1973 is enforced by the U.S. Department of Education, Office for Civil Rights (OCR) under their guidelines. Title II of the Americans with Disabilities Act (ADA) and the related Amendments Act (ADA AA), applicable to all public educational institutions, provide comparable protections.

HOW DOES SECTION 504 DEFINE “DISABILITY?”

Under Section 504, a person is considered a person with a disability if they meet one of the following criteria:

- | | | |
|---|---|---|
| 1. has a physical or mental impairment, which substantially limits one or more major life activities, | 2. has a record of such an impairment, or | 3. is regarded as having such impairment. |
|---|---|---|

The term “disability” includes a broad range of disabilities and impairments; as such, there is no exhaustive list. Additionally, determination in favor of a disability should not demand extensive analysis.

WHAT IS A “PHYSICAL OR MENTAL IMPAIRMENT?”

The regulations of Section 504 define the terms as:

- | | |
|--|---|
| a) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic; skin; and endocrine; or | b) any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, attention deficit disorder, and specific learning disability. |
|--|---|

WHAT IS A “MAJOR LIFE ACTIVITY?”

Major life activity includes basic activities that the average person in the general population can perform with little or no difficulty. A number of bodily functions are considered major life activities, such as functions of the immune system, digestion, neurological functions, respiratory functions, and brain functions.

Major life activities include functions such as:

- | | | |
|---------------------------|-------------|-----------------|
| • Caring for oneself | • Walking | • Learning |
| • Performing manual tasks | • Standing | • Reading |
| • Seeing | • Lifting | • Concentrating |
| • Hearing | • Bending | • Thinking |
| • Eating | • Speaking | • Communicating |
| • Sleeping | • Breathing | • Working |



CRITERIA 2 AND 3 DO NOT TRIGGER THE SCHOOL DISTRICT’S OBLIGATION TO PROVIDE A FREE APPROPRIATE PUBLIC EDUCATION (FAPE). CONSEQUENTLY, THE DISTRICT HAS NO DUTY TO IDENTIFY, ASSESS, OR PLACE STUDENTS WHO QUALIFY ONLY UNDER THESE CRITERIA.

HOW DOES THE AMERICANS WITH DISABILITIES ACT, AMENDMENTS ACT (ADA AA) AFFECT THE SECTION 504 ELIGIBILITY PROCESS?

The ADA AA addresses the “substantial limitation” aspects of Section 504 eligibility. Congress directed that the definition of disability should be interpreted and applied broadly. This list of impairments is not exhaustive. Specifically, the Act directs the following:

- An impairment need not severely or significantly restrict a major life activity to be considered substantially limiting – i.e., interpret the term loosely.
- An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, hearing aids, etc. Furthermore, the eligibility committee cannot consider the use of assistive technology, reasonable accommodations, auxiliary aids or services, or learned behavioral or adaptive neurological modifications. Ordinary eyeglasses and contact lenses are not included in this provision.

WHAT ARE “MITIGATING MEASURES” AND HOW DO THEY AFFECT THE 504 PROCESS?

Mitigating measures defined: Mitigating measures include interventions such as medication, hearing aids, or other devices or practices which serve the purpose of reducing the impact of the identified condition. The positive effects of intervention through ATSS fall within this category. They also include learned behavioral or adaptive neurological modifications. Exceptions to the mitigating measures rule are ordinary glasses and contact lenses. Students who use these latter devices to successfully correct their vision may be found ineligible under Section 504 if they have no other identifiable needs.

Mitigating measures and eligibility: Schools may not consider the effects of mitigating measures when determining the existence of a potentially disabling condition. Committees must examine the degree of limitation on a major life activity, estimating the impact of the disabling condition as if the mitigating measure were not in effect. In many instances, it will be helpful to review the student’s records to estimate his or her functioning prior to the onset of medication or other mitigating measure.

Mitigating measures and plan development: A student may be determined to have a disabling condition and be considered eligible for the non-discrimination protections of Section 504, but may not necessarily require accommodations or services in order to have equal educational opportunity. Although committees may not consider mitigating measures in determining the existence of a disability, they may consider the effects of mitigating measures when determining the need for accommodations. Thus, students with disabilities may qualify for the nondiscriminatory protections provided by Section 504, but may not require an accommodation plan if there are mitigating measures which sufficiently lessen (ameliorate) the effects of the disability. Section 504 Committees should reconvene at least annually to discuss these students.

WHAT IS A “SUBSTANTIAL LIMITATION”?

Neither Section 504 nor its regulations define the term “substantial limitation.” OCR has ruled that the phrase is to be defined by the school district consistent with the intent and language of the ADA AA. The ADA AA clarifies that the definition of “substantial limitation,” and all aspects of the definition of “disability,” shall be construed in favor of broad coverage; that “substantial limitation” should be interpreted loosely.

WHEN DOES A STUDENT QUALIFY UNDER SECTION 504?

The decision regarding whether or not to identify a student under Section 504 is made on a case-by-case basis. The Section 504 Committee reviews each student’s individual information to determine whether there is a physical or mental impairment that substantially limits a major life activity. The committee considers the nature and severity of the impairment, its duration or expected duration, and the long-term impact of the impairment on the student’s opportunity to access and benefit from programs and activities offered by the district. If the student is eligible and receiving special education and related services, the student is eligible under Section 504; however, the student’s IEP satisfies the district’s Section 504 obligations.

WHAT IS THE SECTION 504 COMMITTEE?

Each school has a committee which is knowledgeable about the requirements of Section 504 and which operates under the direction of the principal, or designee. When the committee makes decisions particular to an individual student, persons who are knowledgeable about the student, who have expertise in the area of suspected disability, and who have expertise in interpreting data, are included as members. The membership may consist of the principal or designee, the child’s general education teacher, specialists, or other personnel deemed appropriate by the principal. The committee’s purpose is to process referrals, review assessment information, determine eligibility, and develop plans for the students under Section 504.

DOES SECTION 504 REQUIRE ASSESSMENTS?

Yes. However, “assessment” does not necessarily mean a “test” or “formal testing.” Under Section 504, it refers to gathering data and/or information from a variety of sources so that the Section 504 Committee can make the required determinations. Depending on the type of suspected disability, common sources of assessment data are grades, attendance records, health information, standardized test scores, teacher comments, observations, parental and student input, previous eligibility components, medical reports, disciplinary referrals, etc. A determination of a disability should not require extensive analysis. However, if the committee determines that individually administered formal testing is necessary, parental consent is required prior to administering such tests to the student. Testing should be specific to the concern. In many cases, a Section 504 formal assessment is narrower in scope than an IDEA assessment, focusing only on the area(s) of concern.

When parents/guardians request Section 504 evaluations and plans, the first step is to determine whether the student has a qualifying impairment. For problems with reading, learning, concentration, or thinking, a comprehensive evaluation through IDEA may be appropriate if it is believed that the student may have a disability that requires special education services to benefit from an education. However, a student can be determined to be eligible for Section 504, and receive accommodation/services, if appropriate, while being evaluated for special education.

WHAT ABOUT PRIVATE PSYCHOLOGICAL OR PSYCHO-EDUCATIONAL DIAGNOSES AND EVALUATIONS?

Occasionally, parents/guardians consult with professionals outside of the school system prior to bringing their concerns to the attention of staff. In these instances, the individual school should assist and facilitate the receipt of this information into the appropriate referral process (e.g., Student Support Team, Section 504 Screening or Student Study Committee).

Eligibility determinations (for Section 504 or IDEA) are not made solely on the basis of information collected in private evaluations. Rather, the information provided should be reviewed by the appropriately qualified school staff who will assist the Section 504 or Student Support meeting in determining what additional information, if any, is needed. All information provided by parents/guardians should be considered along with a variety of other sources of data. Moreover, while any recommendations contained in private evaluations will be considered by the committee, determinations of eligibility, accommodations, and services are made by the 504 Committee or IDEA Team.

DO TEACHERS SUBMIT INFORMATION FOR TEAMS TO CONSIDER AS PART OF THE SECTION 504 PROCESS?

For Section 504 screenings and re-evaluations, teachers are asked to complete a teacher report form. This information is requested from a student's teachers prior to the meeting and supports the team with necessary classroom based information about a student's academic, behavioral or other functioning. Teachers are to submit their reports in advance of the meeting.

WHAT ROLE DO CLASSROOM INTERVENTIONS PLAY IN THE ASSESSMENT PROCESS?

When a student is having difficulties participating in some aspect of the academic program, it may often be appropriate to implement short-term classroom interventions. If these interventions significantly reduce or eliminate the difficulties, then a referral based on suspicion of a disability is likely not necessary. Conversely, if the student continues to struggle or requires the continual implementation of interventions over time, it is appropriate to refer the student to either the Section 504 or IDEA process for evaluation and determination of eligibility.

Additionally, if any information exists (such as information provided by a parent/guardian) that suggests the suspicion of a disability, the student should be promptly referred for consideration under either Section 504 or IDEA. Schools should avoid using the IAT forum or informal interventions for prolonged periods due to risk of delaying the identification of a student with a disability.

WHAT IS A SECTION 504 PLAN?

A Section 504 Plan is a legally binding document that falls under the provisions of the Rehabilitation Act of 1973. It is designed to assist an eligible student by setting out the services the student will need in order to participate in the regular or general education program. A 504 plan is not the same as an Individualized Education Plan. Students receiving special education and related services through an IEP are not provided a Section 504 Plan because the IEP should address the student's related or supplementary needs (including any needed for regular education). The IEP will satisfy the district's obligations under Section 504.

HOW ARE ACCOMMODATIONS AND MODIFICATIONS DIFFERENT?

Students eligible for Section 504 may also be eligible for accommodations and services. Unlike modifications, which typically occur for students with IEPs and involve changes to the curriculum, accommodations provide adjustments to how things are done. Services are those things that are added to accommodate the effects of a disability (e.g., transportation for a student in a wheelchair).

Accommodations are provisions made in how a student accesses/demonstrates learning. Accommodations provide students with equal access to learning, provide students with equal opportunities to demonstrate what they know, are based on individual strengths, and may vary in intensity and degree. Accommodations do not substantially change instructional level or content.

Modifications are changes in what a student is expected to learn and demonstrate, and may include specialized instruction. Modifications provide for changes in the instructional level or benchmark, changes in the number of key concepts mastered within a benchmark or unit of study, and changes in content/curriculum.

WHAT ARE SOME COMMON ACCOMMODATIONS OR SERVICES UNDER SECTION 504?

Depending on the nature of the disability, a student covered by Section 504 might need testing accommodations (e.g., extra time on tests and/or a reduced-distraction environment in which to take them), extra time on homework assignments, preferential seating, note taking assistance, written instructions for homework, assignments broken into smaller tasks, adaptive technology and classroom equipment (e.g., word processors), textbooks and other written material in alternate formats, extra time to get to classes, or services such as sign language interpreters, transportation, or health-related services. Accommodations and services are intended to give the student an equal opportunity to participate in the general education program. If a student requires a modified or reduced curriculum or other specialized instruction considered by the district to be special education, then the student should be served under an IEP.

WHAT IF ALL THE STUDENTS IN THE CLASS ARE RECEIVING ACCOMMODATIONS?

A teacher might decide to give all the students in a class extra time on tests or other assistance that might otherwise be considered an accommodation or service under Section 504. Nevertheless, if an eligible student in the class requires the aid or service because of a disability, that aid or service should be included in a Section 504 Plan regardless of how other students are treated. This will ensure consistency in the continued delivery of the services and provide the parents/guardians with due process protections should the classroom teacher or the district decide to change or eliminate the previously provided accommodations or services that were provided to all students.

HOW ARE STUDENTS' NEEDS RELATED TO MEDICAL DIAGNOSES ADDRESSED? WHAT ARE "CARE PLANS," "HEALTH CARE PLANS," AND "HEALTH ALERTS"? HOW ARE THEY DIFFERENT FROM 504 PLANS?

Students with health conditions sometimes require a treatment or emergency plan to be implemented in the school setting. School nurses work with parents/guardians and school staff to ensure that the medical needs of such students are met. A document that reflects the student's medical needs is developed by the school nurse in conjunction with parents/guardians, physicians or other appropriate service providers, teachers, school administrators, and other school staff pertinent to the concerns (such as cafeteria workers). Such document, frequently called a "health care plan," "health alert," or similarly worded document, is maintained in the student's health records and is shared with school staff who interact with the student, with parental permission, on an as-needed basis. Many students with asthma, diabetes, allergies or other conditions have such plans, which are considered to be a specific type of 504 Plan. Having been developed by a group of persons knowledgeable about the student, the condition, and available services, this process is consistent with Section 504 requirements. Copies of the APS Section 504 Rights and Procedural Safeguards document must be provided to the parent/guardian of students with such plans, regardless of whether they are further referred to the Section 504 committee. If at any time, a student with a health care plan or health alert is thought to require accommodations or services beyond those provided through the document, (s)he should be referred to the Section 504 Committee.

Students with medical conditions that are considered to be potentially life-threatening, even if well-managed by medication or in remission, are candidates for screening by the school-based Section 504 Committee. These students may be referred for screening, regardless of their academic functioning, and parents/guardians should be informed of their rights under Section 504. Examples of this include students with diabetes, severe asthma, severe allergies, autoimmune disorders, etc.

Furthermore, a student's health issues, even when not life-threatening, may have an academic impact or may affect the student's ability to participate in classroom or other school activities. In such cases, a 504 committee may need to develop a more extensive 504 accommodation plan so that classroom teachers can make allowances, adjustments, or modifications to their classroom or their instruction. The existence of a health condition, in and of itself, does not necessitate the development of a 504 plan. However, under Section 504, a student with a health care plan is entitled to all of the non-

discriminatory protections of that statute.

Parents/guardians of students with health care plans and health alerts should be informed of the referral process and their rights under Section 504. Likewise, any staff member who is aware of a student with a health condition that could be a disability under Section 504 should refer the student to the 504 Committee for screening. If there are attendance issues related to illness or treatment, and/or difficulties participating in school activities (academic or extra-curricular) due to poor physical stamina, limited strength, or impaired mobility, students should be referred for screening.

Students who have dietary restrictions due to religious reasons or parental preference may have a health alert or similar documentation provided to staff by the clinic. However, such a communication is not a 504 Plan and does not provide the student with the same procedural protections as a 504 Plan.

WHAT ABOUT STUDENTS WHO ARE DIAGNOSED WITH PSYCHIATRIC CONDITIONS?

Schools must be vigilant and thorough when considering student eligibility due to disabilities. For students who are diagnosed with psychiatric conditions, particular care must be undertaken to consider their school-related needs. Some of these students have strong academic histories, but also experience significant difficulties attending and participating in school due to psychiatric conditions and/or treatment thereof. School staff must be open to considering whether the student should be evaluated for special education due to their emotional needs. Many times, students whose psychiatric condition has resulted in hospitalization will require more than an accommodation plan in order to receive a free appropriate public education (FAPE). They may require case management, modification/reduction of assignments, modified school day, and special placement during the school day in order to sustain their academic progress or otherwise participate in school activities. Such services are delivered through special education identification under the IDEA, if the student qualifies. However, if the student can participate in the general education curriculum with services and accommodations, the student should be referred to the school-based Section 504 committee.

Occasionally a student experiences a significant psychiatric event and is diagnosed with a condition, but then responds readily to treatments. Students who seem to be well on the path of recovery, who are developing coping skills, and who are able to begin to be self-advocates may be good candidates for Section 504 plans as they return to full participation in school. However, care must be taken so that Section 504 eligibility is not inadvertently used to delay potential special education services. If the Section 504 Committee wishes to refer the child to the Student Study Committee, the child can be served under Section 504 while the Student Study process is occurring.

CAN A TEMPORARY OR EPISODIC IMPAIRMENT QUALIFY A CHILD UNDER SECTION 504?

A temporary impairment may constitute a disability for purposes of Section 504 if it results in a substantial limitation of one or more major life activities for a significant period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment,

the extent to which it actually limits a major life activity of the affected individual, and the impact of the impairment on the student's ability to participate in the district's education program. Even when an impairment does not qualify as a disability (e.g., a broken arm that is expected to fully heal within 6 weeks), staff should generally provide assistance; however, it should be made clear to the parent/guardian that the services are not being provided under Section 504.

For students with episodic conditions, or conditions in remission, the determination of eligibility should be made as if the condition were in full effect. In some cases, a non-permanent or episodic impairment may have a significant impact on a student's education. This must be determined on a case-by-case basis.

WHAT ABOUT A CHILD WHO COULD GET STRAIGHT A'S IF S(HE) RECEIVED SECTION 504 PROGRAM?

While there may be a genuine belief that the student is not performing at his/her potential, perceived underachievement is not, in itself, sufficient reason for referral and assessment. There must be some reason to believe that the student has a physical or mental impairment that substantially limits a major life activity. The 504 committee is charged with examining the overall functioning of a child in areas such as behavior, attendance, academics, and concentration, among others. Grades should not be the only evidence of lack of educational benefit, nor should good grades be considered enough to show that a student doesn't have a disability. Activities both academic and nonacademic should be considered when determining eligibility.

CAN A STUDENT HAVE A DISABILITY UNDER SECTION 504 IF (S)HE IS DOING WELL ACADEMICALLY?

Yes. A student might be getting good grades and otherwise be doing reasonably well in class despite his/her disability. The student may only be doing well because of the extraordinary effort and time (s)he spends on schoolwork or an unusual amount of help provided by his parents/guardians. For instance, while most of the students in the class might spend an hour on homework each night, the student might be keeping up only by spending considerably more time. If there is information indicating that this might be due to a disability, then the student should not be penalized for his/her extra effort and should be screened for potential further action under Section 504 or IDEA.

IF A STUDENT HAS A SECTION 504 PLAN, ARE ACCOMMODATIONS FOR STATE STANDARDIZED TESTING PROVIDED?

If a student is scheduled to take one of the standardized state assessments such as the Standards of Learning assessments and the student has testing accommodations listed on the Section 504 Plan as part of the general education instructional program, then accommodations for the state assessment

programs should be considered by the Section 504 Committee. Testing accommodations are only provided to give the student an equal opportunity to demonstrate achievement, not an increased advantage to obtain a better score.

WHAT IF A PARENT/GUARDIAN REFUSES TESTING ACCOMMODATIONS?

If the school recommends that testing accommodations be included, but the parent/guardian refuses, then (s)he should be requested to provide (preferably in writing) a statement that (s)he is declining testing accommodations and that (s)he understands the possible implications for his/her child. These might include the student's ability to earn a standard or advanced diploma.

CAN THE SECTION 504 COMMITTEE ENSURE ACCOMMODATIONS TO ACT/SAT/AP EXAMS?

No. If a student is qualified under Section 504 and the Section 504 Plan lists testing accommodations as part of the general education instructional program, parents/guardians can request that a school release information to the testing program that governs the ACT/SAT/AP or other such exams. The testing organization will make an independent determination of whether modifications to college entrance/credit exams will be allowed. If there is a requirement for assessment data, it is the responsibility of parents/guardians to obtain that data. APS holds no responsibility to provide assessments in order for students to apply for accommodations on tests administered by other entities.

Understandably, a student who receives testing with accommodations in the school setting seems a more likely candidate to receive modifications on college entrance/credit exams. Likewise, the longer the student has received such accommodations, the more likely s(he) is to receive them on the entrance/credit exam. However, as previously stated, the testing organization makes all final decisions regarding accommodations on their exams.

DO SECTION 504 PLANS TRANSFER FROM A K-12 SCHOOL SYSTEM TO COLLEGE?

No. Colleges and other postsecondary institutions do not automatically accept Section 504 plans from K-12 schools. Contact the college or university of interest to learn about how they support students with disabilities.

WHAT ARE THE DISTRICT'S OBLIGATIONS TO PROVIDE EVALUATIONS FOR STUDENTS LEAVING APS TO ENTER THE POSTSECONDARY SETTING?

APS is not required to provide evaluations for graduating students who have received accommodations or services through a 504 Plan. Section 504 committees do, however, meet at least annually to discuss the appropriateness of a student's plan. For high school students, this yearly

review is also an opportunity to discuss post-secondary considerations with families.

Students and their parents/guardians are encouraged to familiarize themselves with the protections Section 504 offers in the college or other postsecondary educational setting. The Office for Civil Rights in the U.S. Department of Education enforces Section 504 and Title II of the ADA, which apply to virtually all public and private colleges, universities, and vocational schools. Their website, www.ed.gov/ocr, offers helpful information and resources.

Parents/guardians and students over the age of 18 have the right to request copies of their educational records, which may be helpful in seeking accommodations in college.

IS THERE A FORMAL TRANSITION PROCESS UNDER SECTION 504 FOR STUDENTS WHO ARE GRADUATING?

While there is no provision under Section 504 for transition, school teams and/or parents may schedule a Section 504 meeting to discuss a student's transition to post-secondary opportunities. Section 504 committees do, as a matter of course, meet at least annually to discuss the appropriateness of a student's plan. For high school students, this yearly review is also an opportunity to discuss post-secondary/transition considerations with families. The Section 504 plan is written specifically to address the students' needs within APS. APS cannot dictate needs/accommodations that are appropriate at the post-secondary level.

WHAT SHOULD A PARENT/GUARDIAN DO IF THEY THINK THAT THE SCHOOL IS NOT IMPLEMENTING A STUDENT'S SECTION 504 PLAN?

The parent/guardian should present the information that suggests that the Section 504 Plan is not being implemented to the school Principal at the elementary level, and to the Director of Counseling at the Secondary level. The Principal/ Director of Counseling will look into the concern and take appropriate action. If the concern is not resolved at the school level, either party may refer the concern to the Section 504 Compliance Officer, per APS Section 504 Rights and Procedural Safeguards.

CAN A STUDENT BE EXITED FROM SECTION 504?

Yes, with notice to the student's parents/guardians of the change in eligibility status and the procedural safeguards. Once a student no longer meets eligibility requirements, the Section 504 Committee can exit the student from the Section 504 Program with notice of procedural safeguards to the parent/guardian. As with the initial eligibility determination, this is a collaborative effort between school staff and parents/guardians. Furthermore, the 504 Committee making the determination of eligibility must be comprised of a group of persons qualified to do so, according to the student's unique needs and the current placement. That is, membership of the committee completing the reevaluation process parallels that of the group who made the initial placement decision. The 504 Committee must have available to it information that is both sufficient and recent

enough to provide an understanding of the child's current functioning. The committee may request assessments if needed, or may make decisions based on available information. Any information provided by parents/guardians will be considered by the committee.

HOW DO STUDENTS TRANSITION FROM INDIVIDUALIZED EDUCATION PLANS (IEPS) TO SECTION 504?

Students being exited from an Individualized Education Plan may be eligible for Section 504. If, at any time, the IEP team believes that a student no longer requires an IEP, but may require Section 504 supports, IEP teams may transition in to a Section 504 Screening meeting, as long as someone knowledgeable about Section 504 participates in the meeting. Separate meetings are not required when a student is exiting from Special Education and being considered for Section 504. Many team members are on both teams. All Section 504 paperwork should be completed. All IEP team members should remain for the Section 504 process. If a separate meeting is to be scheduled, the IEP team lead will notify the building administrator responsible for Section 504 oversight. The building administrator will coordinate the scheduling of the meeting.

WHAT IS THE DISTRICT'S DUTY TO SERVE STUDENTS UNDER SECTION 504 WHEN PLACED BY THEIR PARENTS/GUARDIANS IN PRIVATE OR HOME SCHOOLS?

Once the district has offered the student a free appropriate public education, it has no duty under Section 504 to provide educational programs to students not enrolled in the public school program based on the personal choice of the parent/guardian. Parents/guardians retain the right to refer their child to a Student Study Committee if they suspect a disability.

DOES APS IMPLEMENT SECTION 504 PLANS FOR STUDENTS WHO ENROLL ALREADY ON A PLAN?

When a student enrolls in APS who is already being served on a section 504 plan, a section 504 screening meeting should be scheduled. The Section 504 coordinator assigned to the school should be invited, as well as any other appropriate staff. In the interim (i.e., while waiting for the screening meeting to be scheduled), the plan should be implemented to the extent possible. The screening meeting should occur within twenty business days, during the school year.

WHAT PROCEDURAL SAFEGUARDS ARE AFFORDED TO PARENTS/GUARDIANS AND ADULT STUDENTS?

In Arlington Public Schools, parents/guardians, and students age 18 or older, have the right to:

- notice of proposed actions related to eligibility and/or a plan or program;

- consent to the initial assessment and initial placement of their child;
- have an assessment that considers information from a variety of sources;
- have a committee knowledgeable about their child, the nature of the suspected disability, and assessment procedures that determine eligibility;
- examine all relevant records of their child, challenge that information and consent to the release of information;
- periodic reassessments, including a reassessment before any significant change in placement;
- have their child educated in the least restrictive environment;
- appeal a decision to the Section 504 Compliance Committee;
- request an impartial hearing over disagreements and be represented by counsel in the hearing;
- appeal the impartial hearing officer's decision to court;
- file a complaint with the Office for Civil Rights; and
- a manifestation determination subsequent to any disciplinary action that results in a significant change of placement.



These procedures can be used to challenge an identification, evaluation or placement decision.

WHAT IS A DISABILITY?

The definition of a “qualified individual with a disability” under Section 504 covers a broader population than the Individuals with Disabilities Education Improvement Act (IDEA), also known as Special Education.

Under Section 504, the phrase “qualified person with a disability” means any person:

- Who has a physical or mental impairment that limits one or more major life activities,
- Who has a record of such type of impairment,
- Who is regarded as having such impairment.

The term “disability” includes a broad range of disabilities and impairments; as such, there is no exhaustive list.

The determination of a disability should not demand extensive analysis (see Assessment).

Additionally, in most cases, the discussion should shift quickly from whether a student has a disability, and is thus protected under Section 504, to whether or not the student requires accommodations and/or services.



Special Note: Since the Americans with Disabilities Act (ADA) was passed, the terms “handicap” and “handicapped” have been replaced with “disability” and “disabled” respectively. Again, the requirements of Title II and Section 504 are essentially the same; thus, this document will generally refer only to Section 504.

CRITERIA FOR A DISABILITY

CRITERION 1– PHYSICAL OR MENTAL IMPAIRMENT

Specific physical or mental impairments are not listed in the regulations for Section 504, “because of the difficulty of ensuring the comprehensiveness of any such list” (according to “The Civil Rights of Students with Hidden Disabilities under Section 504 of the Rehabilitation Act of 1973,” U.S. Department of Education, Office for Civil Rights publication).

The regulation defines the term “impairment” as:

“i) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, or endocrine systems, or

“ii) any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, specific learning disability, attention disorders, mood disorders, or learning disabilities.”

(The impairments listed above are provided for illustrative purposes and are not meant to exclude other impairments.)

Students with conditions such as certain communicable diseases, Attention Deficit/Hyperactivity Disorder (ADHD), behavior disorders, chronic asthma, severe allergies, physical disabilities, eating disorders, and diabetes may meet the definition of disability under Section 504, even if they do not need special education. Just as with other conditions or impairments, in order for them to meet the definition of disability under Section 504, the impairment must substantially limit one or more major life activities.

CRITERION 2 – RECORD OF AN IMPAIRMENT

This criterion refers to a student who has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

CRITERION 3 – REGARDED AS HAVING AN IMPAIRMENT

This criterion refers to a student who is treated negatively because of an actual or perceived physical or mental impairment.

According to 2012 guidance from the Department of Education’s Office of Civil Rights (OCR), the Amendments Act clarifies that the student will be protected from discrimination whether or not he actually has an impairment and whether or not the impairment is perceived to be a substantial limitation on a major life activity.

This does not, however, suggest that because a student is regarded as having a disability that the student is eligible under Section 504.

Criteria 2 and 3 do not generate an obligation for the school district to provide a free appropriate public education (FAPE), but they do protect students from discrimination, e.g., different treatment than students without disabilities. The district is not required to identify, assess, or place students who qualify under these criteria only, or to provide them with regular or special education and supplementary aids/services.



[“The OCR document “Protecting Students with Disabilities,”](#) updated on March 16, 2011, provides the following guidance:

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In public elementary and secondary schools, unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a “record of” or is “regarded as” disabled is insufficient, in itself, to trigger those Section 504 protections that require the provision of a free appropriate public education (FAPE). This is consistent with the Amendments Act, in which Congress clarified that an individual who meets the definition of disability solely by virtue of being “regarded as” disabled is not entitled to reasonable accommodations or the reasonable modification of policies, practices or procedures. The phrases “has a record of disability” and “is regarded as disabled” are meant to reach the situation in which a student either does not currently have or never had a disability, but is treated by others as such.”

504 SCREENING PROCESS

Arlington's Section 504 process has specific requirements for the identification, evaluation, placement and procedural safeguards of students. The preliminary identification of a student who may be eligible under Section 504 will be conducted at the school building level. Each school shall establish a Section 504 committee that includes staff who are knowledgeable about: Section 504; the student (including the nature of the student's possible disability); assessment procedures; accommodations and services; and placement options. This committee shall operate under the direction of the principal, or a designee. The membership should consist of the parents/guardians, principal or designee, the child's general education teacher, and specialists or other personnel deemed appropriate by the principal. If parents/guardians cannot attend the meeting after efforts have been made to accommodate their schedule, the meeting should be held without them. If appropriate, the student should also be invited to the meeting. The committee's membership must involve staff with training appropriate to the concerns brought forth in the referral. For example, appropriate staff involvement might include: the school nurse for students with medical conditions, or the school psychologist for students with psychological concerns (or in cases where parents/guardians provide an outside diagnosis of a psychological disorder). The committee's purpose shall be to process referrals, review assessment information, and develop plans for students who are determined to be eligible under Section 504. The Student Support Coordinator assigned to the building should be invited to attend all initial eligibility determinations, and any meeting where related service may be required.

The committee should review all information available in the student's educational records and other relevant material such as work samples, results of aptitude and achievement tests, observation reports, medical information, and anecdotal records. Consent to use the information to determine eligibility under Section 504 should be obtained at this time.

The committee may meet as many times as required to determine the student's needs and should strive for consensus. The parent/guardian should be invited to attend all of the meetings, and procedural safeguards should accompany each invitation. Subsequent to the meeting, a copy of the recommendations of the screening committee and any attachments should be sent to the parents/guardians. Minutes of all proceedings, recommendations and supporting documents must be maintained in the student's educational record. Additionally, data entry should take place during the meeting, or immediately following, to ensure that the student's identification under Section 504 is documented in the APS database. This includes students who were screened, but not identified.

504 COMMITTEE DETERMINATION OPTIONS

During the screening process, the Committee options include:

1. No further 504 action needed at this time. The Committee may determine on the basis of existing documentation (gathered by school staff/and or provided by outside sources) that there is no reason to believe that the student has a disability (i.e., a physical or mental impairment that substantially limits a major life activity).

2. The Committee may determine that existing documentation does not suggest the presence of a suspected disability that substantially limits a major life activity. However, the student may benefit from academic or behavioral strategies. The Committee may make recommendations to create an intervention plan (see intervention plan section), including scheduling a date/time to follow-up to discuss student progress.

3. Collect additional data. The Committee may determine, after review of existing documentation, that additional information is needed to determine eligibility. Additional information will be collected by the school. This option may be appropriate if the Committee decides it needs to collect information to supplement documentation provided by outside sources. If additional information is necessary as part of an initial eligibility or re-evaluation, parents/guardians should be notified, and consent must be obtained (see Ad Hoc documents for consent for evaluations and notice of assignment forms).

4. Proceed to Section 504 Eligibility. The Section 504 Committee may determine that there is sufficient documentation to determine whether or not a student has a disability as defined by Section 504. If parents/guardians are not present at the time of this determination, the committee must notify the parents/guardians and make efforts to schedule a meeting to determine eligibility with parental participation. Note: Teams should keep in mind that determination of a disability should not require extensive analysis.

5. Other, as determined by the Committee. The Committee may make a referral for consultation with school staff (such as the school counselor, social worker, or school psychologist). The Committee may agree to meet again at a future date to review the student's functioning in school, which may be particularly helpful during times of transition. A time frame should be indicated.



Determination of a disability should not require extensive analysis. If choosing this option, teams should clearly indicate what information needs to be gathered.



**Special Note
re: Parental/
Guardian Rights
and Procedural
Safeguards:**

**At each stage of
the Section 504
process, including
notification of
meetings, parents/
guardians should
be provided
with, or offered a
printed copy of, the
Section 504 Rights
and Procedural
Safeguards
document.**

Sufficient Documentation – When determining student eligibility, some level of assessment/evaluation by APS staff should be included, even when the student has been privately evaluated. In most cases, this is a review of the child’s educational record, Section 504 Teacher Report form, and any other school artifacts that support the identification of a disability. In a few cases, direct supplemental information such as rating scales, classroom observation(s), etc., may be warranted depending on the area of concern. Even if assessments are not necessary to determine the existence of a disability, additional assessments may be necessary to determine what accommodations and/or services the student needs because of the disability. When determining accommodations and/or services, the assessment, most often, will occur after a disability has been determined.

Age of the Record – Direct assessment information should be current (no more than five years old). However, background or historical information may be sufficient in many circumstances to determine the presence of a disability. In determining whether direct assessment information is current, the committee should consider the nature of the student’s condition, the type of information available, results of any assessments, and whether collectively there is sufficient information about the potential disability and any related impact on the student’s academic achievement. If not, additional information should be gathered as a part of the assessment process. In most cases, if a diagnostic evaluation was previously completed and is deemed to be valid, supplemental information such as classroom observations, rating scales or other teacher and parent input will be sufficient. In other cases, the committee may determine that there is a need for basic diagnostic evaluation and may request parental permission to have school staff conduct more comprehensive assessments.

PUBLIC HEALTH NURSE PARTICIPATION IN SECTION 504 PROCESS

For Initial 504 Screenings the Nurse should be provided with the following documents at least one week prior to 504 screening meeting date:

INVITATION TO ATTEND INITIAL 504 SCREENING AT A STUDENT SUPPORT TEAM MEETING

- Completed Student Support Team Referral Form
- Medical Documentation provided by parent concerning presenting issue

UPON RECEIPT OF DOCUMENTS, THE NURSE WILL:

- Review existing and current medical documentation
- Contact parents to collect relevant medical history and information about presenting concerns
- Prior to the scheduled meeting, complete 504 Medical Documentation Form and submit to building 504 administrator.
- Attend scheduled 504 Screening for students, if necessary

FOR 504 REVIEWS AND REEVALUATIONS

Nurse should be provided with the following documents at least one week prior to 504 Review meeting date:

- Invitation to attend Initial 504 Screening
- Updated medical information

UPON RECEIPT OF AN INVITATION TO THE MEETING, THE NURSE WILL:

- Review existing and updated medical documentation
- Contact parents to collect updates about student's current medical functioning
- Prior to the scheduled meeting, complete 504 Medical Documentation Form and submit to building 504 administrator
- Attend scheduled 504 Screening for students, if necessary

REFERRAL

The responsibility for identifying and locating students with disabilities, also known as Child Find, rests with APS and each individual school. In order to remain compliant, the district must annually undertake efforts to “identify and locate” every qualified individual with a disability residing within the district’s jurisdiction who is not served by a Section 504 Plan. (IDEA imposes the same obligation.) For more information, please contact the building principal at the elementary level, or the Director of Counseling at the secondary level. For initial 504 meetings (i.e. screenings), prior to the meeting, a copy of the referral and any supporting documents, should be sent to the district Student Support Coordinator assigned to the school.

STUDENT CONCERNS – NO DISABILITY SUSPECTED

School staff members are encouraged to use general education options prior to referring a student for consideration under Section 504 or IDEA, and to inform parents/guardians of those options. Parents/guardians may be less familiar with educational terminology, or may not have a thorough understanding of the options, resulting in an inadvertent request for the IEP or 504 processes. Schools should work closely with parents/guardians to educate and guide them through these formal processes in a collaborative manner without creating undue delay of services to students who are potentially disabled.

In all cases, if at any time a parent indicates that they suspect a disability, teams should begin the Section 504 or IDEA process. There is no requirement to participate in an intervention or IAT prior to being referred to the Section 504 Committee.

According to OCR guidance issued in 2012, while there are disabilities no per se under Section 504, the nature of many impairments is such that, in virtually every case, the condition will meet the definition. Thus, a school district should not need or require extensive documentation or analysis to determine that a child with conditions such as diabetes, epilepsy, bipolar disorder, or autism has a disability under Section 504 and Title II.

All of the following types of communication should be promptly dated and directed to the school principal, or designee:

- verbal or written request by the parent/guardian suggesting that their child may be eligible under Section 504, unless already identified as eligible for IDEA in which case the referral should be directed to the school Local Education Agency (LEA);
- verbal or written request initiated by any appropriate party familiar with the student’s education;
- receipt of any records or reports suggesting that a student may be eligible under Section 504; or
- formal discussion between a parent/guardian and a school division instructional employee suggesting that a student may be eligible under Section 504.



Special Note: For students with significant health or mental health concerns that are not likely to improve with classroom interventions, it is generally appropriate to proceed directly to a Section 504 screening or student study committee meeting under IDEA.

Upon receipt of such communication, the principal or designee shall promptly:

- Inform the referring person of all available options for responding to their concern (IAT, student study committee, and/or 504 screening). For Section 504 referrals, the principal should ensure that a referral form is completed (preferably by the referral source, but the principal or designee may complete the referral form in cases where literacy skills, language or other interference prevent the referring person from doing so).
- Establish a date (within twenty business days, during the school year) for the referral to be screened by the Section 504 Committee. Meetings should be scheduled as soon as possible, during the school year. Twenty days should be the outer limit, not the rule.
- Complete the letter to notify the parents/guardians and committee members of the meeting. Along with the notification letter, the parent/guardian should receive a copy of the APS Rights and Procedural Safeguards document. Reasonable efforts should be made to schedule a meeting at a mutually convenient time for parents/guardians and staff. If parents/guardians are unable or unwilling to attend, the committee may proceed to meet as long as notice has been provided and efforts made. All efforts to communicate with parents/guardians should be documented.
- For initial 504 meetings (i.e. screenings), prior to the meeting, a copy of the referral and any supporting documents, should be sent to the Student Support Coordinator assigned to the school.

The local school shall screen each referred child to determine what action, if any, is required in response to the referral. It is possible that a referred student may be taken through screening, eligibility determination, and if found eligible, the writing of a draft or final 504 plan in a single meeting. As meetings are scheduled, this should be taken into consideration and sufficient time should be allowed. This is the most efficient way to ensure that student needs are met promptly and to reduce the imposition of multiple meetings on families and staff.

ASSESSMENT

“Assessment” and “evaluation” are used interchangeably (as are “reassessment” and “reevaluation”). In most cases, as noted above, under Section 504, assessment/evaluation refers to gathering data and/or information from a variety of sources so that the Section 504

Committee can make the required determinations. Common sources of assessment data are grades, disciplinary referrals, health information, standardized test scores, teacher comments, observations, parental/guardian and student input, previous eligibility components, etc.

If formal (direct) testing is requested, the reasons for it should be clearly defined. In a few cases, formal assessment may be necessary. The evaluation procedures must ensure that:

- tests and other evaluation materials have been validated for the specific purpose for which they are being used;
- evaluations are administered by trained personnel;
- evaluations are tailored to assess specific areas of educational need; and
- tests are selected and administered to assure that results accurately reflect the factors the test purports to measure.

Any assessments requested by the Committee should be completed promptly; generally, results will be provided to the Section 504 Committee within 60 business days. The 60-day rule should be the outer limit, not the rule. Teams should endeavor to complete formal (direct) assessments and reconvene in as short a time frame as possible given that Section 504 assessment is not usually as comprehensive as an IDEA assessment.

Although an evaluation for eligibility under IDEA often satisfies the assessment requirement under Section 504, such an evaluation may not be necessary to determine eligibility under Section 504. For referral concerns related to learning, reading, thinking, or other conditions (including possible attention disorders) that the committee suspects may require specially designed instruction (i.e., special education as opposed to accommodations or services to allow the student to participate in the regular education curriculum), it is strongly recommended that the student be referred to the Student Study Committee for a comprehensive evaluation of the student’s needs. Teams should keep in mind that a student with a disability may be determined to be eligible for Section 504 while going through the school’s Student Study (IDEA) process. This practice will ensure that the student’s needs have been fully assessed and considered without potentially delaying the provision of specially designed instruction or special education services in cases where it may be warranted.



Special Note:
Parental consent should be obtained before conducting any individually administered assessments.

If formal (direct) assessment is requested, it should be specific to the concern. Teams should be mindful that determination of a disability should not require extensive analysis. Thus, a Section 504 formal assessment is markedly different from an IDEA assessment in most cases.

INITIAL ELIGIBILITY

Information used to determine eligibility should come from a variety of sources and must be documented. No determination of eligibility will be made by the Section 504

Committee without first inviting the parent/guardian of the student to participate in a meeting concerning such determination. This determination will be made by the committee in writing and notice of the decision shall be provided to the parent/guardian. All initial eligibility determinations should include the Section 504 Coordinator or designee as a member of the Section 504 Committee.

If a parent/guardian disagrees with a decision made through the assessment or reassessment process, the parent/guardian can appeal the decision as described in the APS 504 Rights and Procedural Safeguards.

In all cases, whether initial assessment or reassessment, the eligibility form should be completed, including:

1. the sources of all information used and considered in making the determination;
2. the nature of the mental or physical impairment(s);
3. the nature and extent of the major life activities which are substantially limited by the impairment(s) (Note – the impairment does not need to significantly/severely restrict or prevent a major life activity to be considered substantially limiting);
4. essential deliberations, including any mitigating factors that were considered (Note – mitigating measures cannot be considered until after a determination in favor of a disability is made); and
5. the specific accommodations and/or services being recommended so that general education programs may accommodate the student's needs.

RE-EVALUATION/REVIEW OF ELIGIBILITY

A reassessment (re-evaluation) to determine continued eligibility is required at least once every three years. If a “significant change in placement” (removal from the school environment, change to a more restrictive setting, etc.) is being considered, a reassessment should be conducted before the change is made.

The 504 Committee making the determination of continued eligibility must be comprised of a group of persons qualified to do so, according to the student’s unique needs and the current placement. That is, membership of the committee completing the reevaluation process parallels that of the group who made the initial placement decision. The 504 Committee must have available to it information that is both sufficient and recent enough to afford an understanding of the child’s current functioning. When considering the child’s current functioning, specifically when considering dismissal from Section 504, teams should be mindful that a student’s improved functioning may be the result of effective accommodations, and not necessarily lack of need. The committee may request assessments if needed. However, in most cases they may make decisions based on available information. Any information provided by parents/guardians will be considered by the committee.

The review process should offer the opportunity for teachers and parents/guardians to have input into the plan. Since academic and behavioral expectations change from grade to grade, and students mature from year to year, it is natural to expect that the number and type of necessary accommodations may also change. The need for state testing accommodations should be discussed each time the plan is reviewed. Although all of a student’s teachers or parents/guardians may not be able to attend a review meeting in person, they should be notified of the review and given the opportunity to provide input.

ADDITIONAL ASSESSMENT - DIRECT

If additional individual testing is needed, parental consent should be obtained prior to conducting the additional testing.

PARENTAL REFUSAL OF DIRECT ASSESSMENT

If parents/guardians refuse to consent to additional assessments for reevaluation, the Section 504 Committee may determine continued eligibility based on available information, including recent classroom observations and records; request a Section 504 Compliance Committee meeting; or request an impartial due process hearing. If the parent/guardian does not respond to a request for consent for additional testing regarding the reassessment, the committee should document all attempts (at least three) to obtain such consent, and then proceed with reassessment meeting based on available information. Documentation may include copies of dated letters mailed to the parents/guardians, and administrators may choose to use registered U.S. mail to further document their efforts to obtain parental consent.

CONTINUATION OF PLAN PENDING RESOLUTION OF DISPUTE

If the committee determines that a student is no longer eligible and the parents/guardians challenge that determination, the student continues to receive the benefits of the Section 504 plan until the matter has been resolved. The 504 Committee can hold another meeting to try to resolve the matter; either party may make a referral to the 504 Compliance Committee for resolution, or either party may request an impartial due process hearing.

SECTION 504 PLAN AND PLACEMENT

Following determination of disability, APS staff may develop a 504 plan (also referred to as “program”) to accommodate a student’s educational needs.

DISABILITY - WITH PLAN

When accommodations or services are warranted, APS will document the accommodations and services that will be provided to the student in the general education environment. The student’s parents/guardian should be invited to participate in the Section 504 Plan development and must be provided with a copy of the APS Section 504 Rights and Procedural Safeguards. If parents/guardians cannot attend the meeting after efforts have been made to accommodate their schedule, the meeting should be held without them.

The Section 504 Plan outlines accommodations and/or services that the student requires to have equal access to the educational opportunities of the school’s program or an equal chance to succeed in class. Any student who exhibits disability-related behaviors that are recurring and that significantly impact educational opportunity may require behavior management interventions. Such behavior plans may be included as part of the Section 504 Plan for an eligible student. In some cases, because of his/her disability, a student may need more than accommodations or services, and require special education services [e.g., adaptations or modifications to the curriculum (see questions and answers section), reduced or simplified course content, modified or alternative assignments and assessments, etc.]. In such cases, it would be appropriate to refer the student to the Student Study Committee for consideration of eligibility under the IDEA. Teams should keep in mind that a student with a disability may be determined to be eligible for Section 504 while going through the school’s IDEA process. If the student is currently receiving services under a 504 Plan, the services should continue until the IDEA eligibility decision is made and, if eligible, an IEP is developed

The program provided to an eligible student through Section 504 will be at no expense to the parents/guardians. The school cannot charge the parents/guardians for special equipment, materials, transportation or other services that are required in order for the student to access educational opportunities. The school may only issue charges that are allotted to all students for items such as yearbooks, school pictures, etc. While the “no cost” regulations specifically provide for out-of-district placements (i.e., private day or residential), this type of placement will only be made if a decision is made that the student’s educational needs cannot be met within the district. Should a student’s disability require this level of program, it is likely that the student will qualify under IDEA.

Occasionally, a parent/guardian of an IDEA eligible student may desire all that special education has to offer, but request that the district provide the same program under Section 504 to avoid “labeling the student as ‘in need of special education.’” If the student is determined to require special education

services, and the parent/guardian agrees, but does not want services through an IEP, the district does not have to provide them under a 504 Plan. If the district believes that the student requires special education services but the parent only gives consent for the student to receive accommodations and services under Section 504, the IEP Team or 504 Committee should contact the Director of Special Education.

“Placement” for a student with a Section 504 plan simply means the general education classroom with accommodations and/or services. It does not usually mean removing the student from the general education environment, although it may require additional or supplemental services outside the classroom such as transportation, the school nurse, or school counselor. These services, while available to all students, may be required in a more targeted, frequent or urgent manner by the student eligible under Section 504. The term “accommodation” may include things such as an assignment notebook, preferential seating, and access to certain technologies such as word processors.

Special Note: General Education Accommodations versus Section 504 Accommodations. Frequently, certain accommodations are provided in the general education setting to all students. For students with Section 504 plans, if the Committee determines that a specific “general education” accommodation is required, it should be incorporated into the student’s Section 504 Plan. This will provide consistency of implementation of the accommodation across settings and protect the student’s educational opportunity.

If the 504 Committee determines that testing accommodations are required, then such accommodations must be provided for both classroom and standardized tests. If parents/guardians decline testing accommodations for their child, they must be informed of the possible implications. They should be asked to write or otherwise provide a statement declaring their decision to refuse testing accommodations and affirming their understanding of possible consequences.

If the members of the 504 Committee determine that it is necessary to change a student’s Section 504 Plan before a meeting to discuss the change with the parent/guardian can occur, and after reasonable attempts to include the parent, the school may do so; however, they must provide notice of the change and a copy of the procedural safeguards to the parents/guardians. The parent/guardian must be informed that, if (s)he disagrees with a placement decision, (s)he can appeal through procedures outlined in the APS Section 504 Rights and Procedural Safeguards document.

ACCOMMODATIONS AND SERVICES

Students eligible for Section 504 may also be eligible for accommodations and services. Unlike modifications, which typically occur for students with IEPs and involve changes to the curriculum, accommodations provide adjustments to how services are provided to accommodate the effects of a disability (e.g., transportation for a student in a wheelchair).

WHAT IS AN ACCOMMODATION?

Based upon their individual needs and their personal learning styles, accommodations help students overcome or work around their disability. They:

- Provide students an equal access to learning;
- Provide students equal opportunity to demonstrate their knowledge;
- Are based upon individual strengths and weaknesses;
- May vary in intensity and degree; and
- Do not substantially change instructional level or content. What is a Modification?

Modifications are changes in what a student is expected to learn and demonstrate, and may include specialized instruction. Modifications provide:

- Changes in the instructional level or benchmark;
- Changes in the number of key concepts mastered within a benchmark or unit of study;
- Changes in content/curriculum.

DISABILITY - NO PLAN

Some students, though eligible for protection under Section 504, may not require accommodations or services. A 504 Plan is written indicating such and is reviewed annually to determine if the need for accommodations or services has changed.

DISCIPLINE

CHANGE IN PLACEMENT - SUSPENSION OR EXPULSION

Section 504 requires that a school district evaluate a child suspected to have a disability before making an initial placement of the child in a general or special education program and before any subsequent significant change in his or her placement.

Any of the following disciplinary actions may constitute a change in placement for the student with a disability:

- Expulsion;
- Exclusion for an indefinite period;
- Exclusion for more than 10 consecutive school days;
- A series of suspensions, each of which is 10 or fewer days in duration, but which create a pattern of exclusions.

Special Note: The determination of whether a series of suspensions creates a pattern is made on a case-by-case basis. Serial, short-term, exclusions may not be used to avoid the requirement for reevaluation before a suspension of more than 10 days. Among the factors considered in determining whether a series of suspensions has resulted in a “significant change in placement” are the length of each suspension, the proximity of the suspensions to each other, and the total amount of time the child is excluded from school. OCR does not consider a series of suspensions that, in the aggregate, is for 10 or fewer days to be a significant change in placement.

Before implementing a suspension or expulsion that constitutes a significant change in the placement of a student with a disability, the school district must determine whether the misconduct in question is caused by the student’s disability and, if so, whether the student’s current educational placement is appropriate. Reevaluation procedures that comply with IDEA fulfill the requirements of Section 504.

THE MANIFESTATION DETERMINATION PROCESS

The district must determine whether the misconduct is caused by (or is a manifestation of) the child’s disability. This determination may be made by the same group of persons who make initial placement decisions in conformance with Section 504, specifically, the Section 504 Committee. This meeting is often called a “manifestation meeting.” As with any evaluation decision, it must include a group of persons knowledgeable about the student (including the nature of the student’s disability), the evaluation information, and the placement options. The group must have available to it information that professionals would require, such as psychological evaluation information related to behavior; the information must be recent enough to afford an understanding of the child’s current behavior. The determination may not be made by the individuals responsible for the school’s regular disciplinary procedures, such as the school principal or by school board officials, who lack the necessary expertise and personal knowledge about the child to make such a determination. These individuals may, however, participate as members of the placement decision group.

If it is determined that the misconduct of the child with a disability is caused by the disability, the student cannot be suspended or expelled. The 504 Committee must determine whether the child's current educational placement is appropriate, following the requirements of Section 504 for evaluation and placement. However, if the infraction involves the use of alcohol or serious bodily injury, the student may be removed for up to 45 school days in an interim alternative education setting.

If it is determined that the misconduct is not caused by the child's disability, the child may be excluded from school in the same manner as are similarly-situated children who do not have disabilities. In such a situation, Section 504 would permit all educational services for the child to cease. Unlike IDEA, if the student is receiving services under Section 504 only, the district is not required to continue to provide any educational services (unless it does so for children without disabilities who are suspended for more than 10 days or expelled).

Form 504L guides the APS process of determining whether a significant change of placement is being considered, or has occurred, and determining if the behavior is a manifestation of the student's disability. The student's parents/guardian shall be invited to participate in the manifestation determination. Following the meeting, a copy of a manifestation determination must be provided to the parents/guardians with a notice of procedural safeguards. All decisions, including the reasons for them, should be documented.

If it is properly determined that it is necessary to change a student's Section 504 Plan before that meeting can occur, the school may do this by providing notice of the change and procedural safeguards to the parent/guardian. However, no changes may be finalized without meeting first with the parent/guardian and other required Section 504 participants.

The parent/guardian must be informed that, if (s)he disagrees with a decision as to whether the misconduct was caused by a disability or with a subsequent placement decision (including a suspension for more than 10 days or an expulsion), (s)he can challenge the decision through procedures outlined in Section 504 Rights and Procedural Safeguards.

Special Note: The disciplinary protections associated with section 504 do not apply to individuals currently engaged in the illegal use of drugs.

NEW STUDENT ENROLLMENT

If a student enrolls in APS who is already being served by a Section 504 plan, a Section 504 screening meeting should be scheduled. The Section 504 coordinator assigned to the school should be invited, as well as any other appropriate staff. In the interim (i.e., while waiting for the screening meeting to be scheduled), the plan should be implemented to the extent possible. The screening meeting should occur within twenty business days during the school year.

MANAGEMENT OF CASES AT SPECIAL PROGRAMS (E.G., CAREER CENTER, LANGSTON)

FOR FULL-TIME STUDENTS:

All features of the Section 504 Procedural Manual apply similar to comprehensive high schools. This includes ensuring that Synergy Section 504 fields are updated, and completing Section 504 verification forms

FOR PART-TIME STUDENTS:

Home schools are responsible for ensuring that complete copies of Section 504 paperwork is sent to the special program. If expired documents are received from the home school, the special program staff member responsible for managing Section 504 should contact the home school to obtain current documents, or to request a review meeting. The home school is responsible for scheduling Section 504 meetings and inviting special program staff to participate. The special program is responsible for sending a representative to the meeting. In most cases, this would require the person responsible for managing Section 504 to attend meetings at the home school and to provide completed teacher report forms from special program teachers. If a plan is due for review, and there has been no contact from the home school regarding scheduling of a Section 504 meeting, the special program staff member responsible for managing Section 504 should proactively contact the home school to inquire. Special programs are responsible for ensuring that all of a student's teachers receive a copy of a student's Section 504 plan, and that a Section 504 Verification form is completed. Updates to Synergy Section 504 fields are the responsibility of the home school.

DEFINITIONS OF OTHER IMPORTANT TERMS

SUBSTANTIAL LIMITATION

Both Section 504 and its regulations fail to define the term “substantial limitation.” OCR ruled that school districts generally have considerable discretion in defining this term. The ADA Amendments Act makes it clear that the definition of “substantial limitation,” and of all aspects of the definition of “disability,” shall be construed in favor of broad coverage, i.e., interpreted loosely.

EPISODIC CONDITIONS

Episodic Conditions (e.g., depression, Crohn’s disease) can be considered disabilities if, when symptoms flare up, they substantially limit a major life activity of the student. The same is true for conditions in remission (such as cancer) which, when active, substantially limit a major life activity.

MITIGATING MEASURES

Certain conditions may be treated by medication, behavior techniques or learned strategies (e.g., attention disorders, diabetes) prosthetic devices, assistive devices, or others. In these cases, determination of substantial limitation shall be without regard to the effects of mitigating measures. The positive effects of an intervention assistance team plan also fall within this category. Ordinary eyeglasses are an exception. For additional details, see the Questions and Answers section of this publication.

MAJOR LIFE ACTIVITY

Major life activities include functions such as:

- Caring for oneself
- Walking
- Learning
- Performing manual tasks
- Standing
- Reading
- Seeing
- Lifting
- Concentrating
- Hearing
- Bending
- Thinking
- Eating
- Speaking
- Communicating
- Sleeping
- Breathing
- Working

This is not an exhaustive list. The term includes basic activities that the average person in the general population can perform with little or no difficulty. A number of bodily functions are considered major life activities (i.e., functions of the immune system, digestion, neurological functions, respiratory functions, and brain functions).

In the school setting, for purposes of deciding if a student requires accommodations and/or services, major life activities may include those basic activities that are necessary to access learning or other aspects of the school district’s programs. Although IDEA addresses disabilities that limit the student’s ability to learn, Section 504 addresses other activities that may be limited. Even if there is no limitation on the ability to learn, the student may still qualify if another major life activity is limited. For example, a student may have a disability under Section 504 and need a Section 504 Plan even



Special Notes:
Substantial Limitation. An impairment does not need to significantly/severely restrict or prevent a major life activity to be considered substantially limiting – i.e., the bar is very low/the term should be interpreted loosely.

though he is doing well academically. This topic is discussed further in the Questions and Answers section of this document.



Special Note:
Where the major life activity is learning, the child may be eligible under IDEA and an IEP may be appropriate. A properly developed IEP will meet the requirements of the Section 504 regulations, and a separate 504 plan will be unnecessary.

OTHERWISE QUALIFIED PERSON

A “qualified” or “otherwise qualified” person with a disability for a public preschool, elementary, secondary, or adult education program is one who

- is of an age at which people without disabilities are provided such program,
- is of an age at which it is mandatory under state law to provide such program to people with disabilities, or
- is a resident of a state that is required to provide free appropriate public education under IDEA.

04

EDUCATIONAL PROTECTIONS, RESOURCES

IN THIS CHAPTER:

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COMMON PRACTICES TO FOLLOW

The intent of confidentiality is to protect the private information of persons from being available to those who do not need it. Arlington Public Schools has procedures, in accordance with federal law, to ensure that only those people who need to know information have access to that information.

All documents in the student's Education Record are considered confidential and are kept in a secure place within each school. Each school has posted a list of persons who have access to those records. Additionally, whenever a person handles an Education Record, they/them must sign the log (name/date/position/purpose) in that record.

The practice of confidentiality applies to written records, email, and conversations in all settings, inside and outside of school.

- Written information that is to be discarded should be shredded.
- Email is not a secure form of communication.
- At no time should any student be discussed in a public place such as the teachers' lounge, school hallway, school office, or in the presence of other teachers, parents, or students who have no need to know that information.
- Remember, confidentiality must be honored at the grocery store, your favorite restaurant, and other community settings.

WHEN YOU RECEIVE A REQUEST FOR DISCLOSURE OF CONFIDENTIAL INFORMATION

A **review of information** If you receive a request for confidential information, you **MUST** notify your building principal/designee immediately to ensure that federal requirements will be fulfilled (e.g., documentation, timelines, process). ***Do not comply with a request until your building principal/designee directs you to do regardless of where the request originates.***

Whenever a request to review confidential information is granted by your school principal, these directives must be followed:

- Upon further request, your school will provide a list of the kinds of records that are collected, maintained, or used and their locations.
- Upon request, one copy of records is provided at no cost to parents.
- ***Test and test protocols, where the publisher asserts ownership or copyright, may be reviewed but NOT copied by any means (e.g., photo, scan, handwritten notes, dictation, copy machine).***
- ***APS staff must accompany persons reviewing records at all times. Scheduling for review should be arranged for a mutually convenient time.***
- Review of records is restricted to information concerning the specific student. If other students' names appear in the record, those names cannot be revealed during the review, those names will be redacted.

AMENDING INFORMATION

If you receive a parent request to amend the information contained in the Education Record, you ***MUST*** notify your building principal/designee immediately to ensure that federal requirements will be fulfilled (e.g., documentation, process). ***Do not comply with a request until your building principal/designee directs you to do so.***

FERPA

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when they/they reaches age 18 or is enrolled in a postsecondary education institution. Parents and eligible students are granted the following rights:

- To inspect and review the student's education records
- To request that a school amend the student's education record if they/they believes information is inaccurate or misleading
- To have a hearing if the school decides not to amend the student's education record
- To place a statement with the education record regarding what they/they believes is accurate if the school decides not to amend the student's education record
- To consent in writing to disclosure of personally identifiable information from the education record, except for certain permitted situations (e.g., student transfer to another school)



Refer to Virginia regulations, § 23.1-405 for detailed information

ORGANIZATION OF STUDENT EDUCATION RECORD

The Education Record for any student is usually found in your school's office. This file contains all information that pertains to the student, including the special education records. The Education Record is confidential and subject to all policies and guidelines in reference to confidentiality.

In addition to the first part of the Record that contains general information and is included in every student's Education Record, you may find other sections that are color coded and numbered as follows:

MAIN FOLDER I - (MANILA/BUFF COLOR)

1. PERSONAL DATA AND TEST RESULTS CARD - (YELLOW CARD)

General

- Demographic fields no longer need to be completed (i.e., there is no longer a need to hand write any information on the card); HOWEVER,
- This card should be used to affix SOL labels, WIDA labels and any other testing labels that are generated.
- Stickers should be affixed to either side of the card, but in chronological order as much as possible.
- Yellow Card stock may be used when official

Summer Records Transfers

- When transferring to another APS school, **DO NOT SEND CUMULATIVE FOLDER UNTIL SOL LABELS ARE RECEIVED and AFFIXED.**

2. ALL OTHER TEST PROFILES AND RESULTS (E.G., PALS, K-3 MATH SHEETS)

3. ELEMENTARY ACADEMIC RECORD - (SALMON CARD)

General

- Salmon cards no longer need to be completed. (i.e., there is no longer a need to hand write any information on the card); HOWEVER,
- If there is data currently written on the Salmon card, the card should be maintained in the cumulative folder.
- New Students - When a cumulative folder is created, this card should no longer be included.
- In lieu of the Salmon card, include a copy of final report card at the end of each year
- File in report card envelope
- Applies to withdrawn students as well

Summer Records Transfers

- Salmon cards with any data written on them should be sent as part of the cumulative folder.
- In addition to previous final report cards noted above, include a copy of final report card for the year.

4. MIDDLE/HIGH SCHOOL ACADEMIC RECORD

General

- Include a copy of the final report card/transcript each year
- Applies to withdrawn students as well

5. INDIVIDUAL READING RECORD (ALSO KNOWN AS THE BEIGE CARD, READING CARD, OR ENGLISH/LANGUAGE ARTS CARD)

General

- This card no longer needs to be completed. (i.e., there is no longer a need to hand write any information on the card); HOWEVER,
- If there is data currently written on the card, the card should be maintained in the cumulative folder.
- New Students - When a cumulative folder is created, this card should no longer be included.

Summer Records Transfers

Cards with any data written on them should be sent as part of the cumulative folder.

6. ACADEMIC AND CAREER PLANNING FORM (SECONDARY SCHOOLS)

7. PARTICIPATION OF LEP STUDENTS IN SOL ASSESSMENTS (FOR EL STUDENTS, GRADES 3 THROUGH 8)

8. COPY OF BIRTH CERTIFICATE

- If no birth certificate is available, a notarized affidavit must be placed in the student's file.

9. SPEECH/LANGUAGE AND GROSS MOTOR SCREENING FORMS (NON SPECIAL EDUCATION RELATED). ALL STUDENTS SHOULD HAVE THESE FORMS ON FILE.

10. MEDICAL-NURSING RECORDS

General

- Records of physical exams and immunizations.
- Other records are maintained in the individual School Health Office.

Summer Records Transfers

- Records of physical exams and immunizations should be included.
- Records maintained in the individual School Health Office should be transferred through school nurses.

11. EDUCATION BACKGROUND AND ASSESSMENT INFORMATION FOLDER (HOT PINK), IF APPLICABLE.

12. LANGUAGE REGISTRATION PACKET, (I.E., LANGUAGE SERVICES INFORMATION) IF APPLICABLE.

Summer Records Transfers

EL Resource Specialist at the sending school is to ensure that the cumulative folder includes:

- Language Identification Card
- LSRC assessment packet

EL Resource Specialist at the sending school is to:

- Send to the receiving HILT/HILTEX Resource Specialist, any special information about the student who is transferring

Summer Records Transfers

- Middle School - In addition to previous final report cards/transcripts noted above, include the final middle school transcript.

13. RESIDENCY DOCUMENTATION (E.G., LEASE, A/B FORMS AND OTHER DOCUMENTATION OF PROOF OF RESIDENCY)

14. STUDENT PLACEMENT, TRANSFER REQUESTS, AND APPLICATIONS (E.G., VPI/ MONTESSORI APPLICATIONS, APPLICATION DECISIONS, SCHOOL TRANSFER REQUESTS).

SPECIAL EDUCATION FOLDER - (RED)

Folders of active special education students should be arranged in the order that follows, going from back to front of the folder.

- Each referral, re-evaluation /eligibility material is to be fastened securely in distinct packets, most recent first.
- Materials are to be organized from back to front of folder in chronological order (oldest in the back).
- No educational test protocols (booklets) are to be in the records.
- Report cards may be stapled to the backs of the IEP's but may not be utilized in lieu of progress and mastery notes in the IEP.
- Records are to be retained for 5 years after separation from APS and fastened together separately from the above materials in chronological order.
- Copies of written notification to parents of IEP meetings should be attached to the corresponding IEP's.



GIFTED FOLDER III - (BLUE)

- All paperwork collected during the identification process. Examples may include:
- Gifted Identification Card
- Permission Letter from Parent permitting gifted services or Young Scholars
- Notification of acknowledgment signature page to initiate eligibility process
- Parent referral - if applicable
- GBC form for academic area
- Teacher checklist for arts areas (if applicable)
- Student Self-Assessment/Interview form (grades 6-12 - only)
- Parent information sheet
- Copies of all letters sent to families throughout the identification process

DISCIPLINE/LEGAL FOLDER IV - (YELLOW)

- Disciplinary Records (e.g., Suspensions and Expulsions)
- Court Documents (e.g., custody paperwork)
- Attendance letters and other official attendance documentation

OPTIONAL RECORDS/GENERAL FOLDER V - (GREEN)

- All IAT/Intervention related information/documents (e.g., intervention plans, outcome of interventions, and correspondence to team members and parents)
- Student Study information that does not result in a decision to move forward to the special education assessment and eligibility process.
- Risk assessments should be filed here.

SECTION 504 FOLDER VI - (ORANGE)

- Section 504 Plans, process documents and other supporting information.

Special Note(s):

Some receiving schools wish to have other data. In these cases, it is the responsibility of the receiving school to arrange for this with the sending school, e.g., physical fitness record.

Before sending records to another school, Arlington Public Schools requires that schools maintain an inventory of student records transferred between APS schools and that a copy of this inventory is sent along with the records to the receiving school.

05

ACRONYMS

A**ABA**

Applied Behavior Analysis

AAC

Augmentative and Alternative Communication

APS

Arlington Public Schools

AT

Assistive Technology

ATSS

Arlington Tiered System of Support

ASD

Autism Spectrum Disorder

B**BIP**

Behavioral Intervention Plan

D**D-B**

Deaf Blindness

DD

Developmentally Delayed

DHS

Department of Human Services

E**ED**

Emotional Disability

EL

English Learner

EL TEACHER

English Learner Teacher

ESY

Extended School Year

F**FAPE**

Free Appropriate Public Education

FBA

Functional Behavioral Assessment

FERPA

Family Educational Rights and Privacy Act

H**HI**

Hearing Impaired

I**ID**

Intellectual Disability

IDEA

Individuals with Disabilities Education Act

IEE

Independent Educational Evaluation

IEP

Individualized Education Program

L**LEA REPRESENTATIVE**

Local Education Agency Representative at the school (principal or designee)

LEA

Local Education Agency (APS)

LRE

Least Restrictive Environment

LSRC

Language Services Registration Center

M**MD**

Multiple Disabilities

MDR

Manifestation Determination Review

O**OHI**

Other Health Impairment

OI

Orthopedic Impairment

P**PLAAFP**

Present Level of Academic Achievement and Functional Performance

R**RSP**

Related Service Provider

S**SEL**

Social/Emotional Learning

SLD

Specific Learning Disability

S/LI

Speech or Language Impairment

SLP

Speech-Language Pathologist

SSC

Student Support Coordinator

SST

Student Support Team

T**TBI**

Traumatic Brain Injury

V**VDOE**

Virginia Department of Education

VI

Visual Impairment

06

GLOSSARY

Age of Majority

age 18 and older unless student is found “incompetent” or otherwise unable to provide informed consent as defined by Virginia statute; age at which parent rights transfer to student; included in term “parent” and “adult student” for purposes of this document

Arlington Tiered System of Support (ATSS)

framework for providing instructional and behavioral support to all students within general education; enhances practices system-wide

Assistive Technology Device and Service

device - equipment or system that increases, maintains, or improves functional capabilities of a student with a disability; includes no tech, low tech, high tech accessories
service - process that directly assists a student with a disability in the choice, acquisition, or use of an assistive technology device

Change of Placement

change from one educational setting on the continuum to another (e.g., full time special special education placement to part-time placement, APS setting to private placement); requires change to IEP, parent consent, and PWN

Compensatory Special Education

special education and related services provided when there is a delay or disruption in services specified in the IEP; the absence of provision of service would cause educational harm. Compensatory services are reviewed in the context of an IEP meeting.

Confidentiality

protects student's private information; practice of making information available to only those who need to know

Contract Services

special education provided outside of APS at APS expense

Countywide Programs

range of APS special education programs that concentrate resources to provide

intensified instruction to groups of students with similar needs; programs not housed in every school but available to all students with disabilities to provide FAPE

Disability

any one or more of definitions included in IDEA and the Virginia Regulations that require special education and related services or meet the requirements of Section 504 of the Rehabilitation Act of 1973

Education Record (Scholastic Record, Confidential File)

those records in any medium (e.g., audio or video recording, handwritten, film, computer media) directly related to a student that are maintained in your school building and kept in a secure central location; contains state mandated information including special education records; all contents subject to policies and regulations pertaining to confidentiality

Eligibility Committee

committee comprised of specific mandated members that determines whether a student has a disability that requires special education and related services

Extended School Year (ESY)

special education and related services provided beyond the normal school year in order to provide FAPE

FAPE

free appropriate public education; guaranteed in an IEP or Section 504

Homebound Instruction

APS provision of short term special education to a student with a disability who cannot be present in the school building; provided only when eligibility meets strict criteria

Home Schooling

parent decision to provide instruction to student outside of a public or non-public school

IDEA

Individuals with Disabilities Education Improvement Act

IEE

Independent Educational Evaluation; private evaluation conducted at APS expense

IEP

Individualized Education Program; developed for every student with a disability; guarantees FAPE

ISP

Individualized Service Plan; provides early intervention services to an infant or toddler with a disability and the family

Inclusivity: Strengthen our community by valuing people for who they are, nurturing our diversity, and embracing the contributions of all students, families, and staff.

Inclusion: Inclusive education is both a vision and a practice...of welcoming, valuing, empowering, and supporting the diverse academic, social/emotional, language, and communication learning of all students in shared environments and experiences for attaining the desired goals of education. Inclusion is a belief that everyone belongs, regardless of need or perceived ability, and that all are valued and contributing members of the school community (Villa and Thousand, 2016).

LEA

Local education agency; school district

LEA Representative (LEA)

administrator who meets legal and APS requirements to serve on an IEP Committee, SSC, Eligibility Committee and others as necessary

Least Restrictive Environment (LRE)

placement of a student with disabilities that affords maximum opportunity appropriate to be educated with same age peers without disabilities; differs depending on needs of each student

Manifestation Determination Review (MDR)

review process to determine if there is any relationship between a student's disability and behavior that is subject to disciplinary action

Parent

biological or adoptive parent, authorized foster parent/surrogate parent/guardian, person acting in place of biological parent with whom the student resides, person legally responsible for child's welfare, custodial stepparents, emancipated minor, validly married minor

Parent Consent

required at every junction of the special education process; ensures parent understanding of proposed action via full disclosure in native language or other mode of communication; voluntary and revocable; revocation not retroactive

Prior Written Notice (PWN)

document given to parents following a special education meeting; must be issued within ten days following meeting

Private School Student

student parentally placed in a non-public school, including home schooling

Procedural Safeguards (Parent Rights)

document given to parents at required junctures in the special education process; also known as "Parent Rights" or "Your Family's Special Education Rights"

Receipt of Referral

date written referral to SSC is received by the building principal/designee, launches 10 day timeline

Reevaluation

assessment that occurs at least every three years but not more than once a year to determine whether a student continues to be eligible for special education and related services; may or may not include administration of formal tests; involves committee meeting

Reevaluation Planning Meeting

process that reviews a student's existing assessment and performance information and then determines whether and what information needs to be gathered for a reevaluation; precedes reevaluation; involves committee meeting

Referral

first step in special education process; form submitted to zoned school by person(s) who suspect a student might have a disability that requires special education and related services

Related Services

listed and described in IDEA and the Virginia Regulations; provision must be necessary for a student with a disability to benefit from his/her special education program

Services Plan (SP)

APS plan developed with parents and private school representative of parentally placed private school students; includes most elements of an IEP except the guarantee of FAPE

Special Education

specially designed instruction that meets the unique needs of a student with a disability

Special Education Components

evaluations and reports submitted for consideration by an Eligibility Committee

Special Education Review Committee (SERC)

impartial forum that considers student- specific issues related to the special education process that cannot be resolved at the building level

Social Maladjustment

Although the term “socially maladjusted” is within the emotional disturbance/impairment eligibility definition, this concept is not specifically defined. Since social maladjustment is not defined in either rule or regulation, use of tools which purport to differentiate between social maladjustment and emotional impairment should be eliminated or used with caution, and must not be used to rule out eligibility in special education determinations. APS requires evaluations to first consider whether a student meets the criteria of an emotional disturbance/impairment. If the student meets emotional impairment criteria, any perceived evidence of social maladjustment does not impact the eligibility determination. An evaluation must be sufficiently comprehensive to appropriately identify all of a student’s special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified. Teams must also document their consideration of other suspected disability categories for a student who does not meet the eligibility criteria for emotional impairment. For example, if a student has a medical or clinical diagnosis, the team may consider the other health impairment category and document this consideration. Social maladjustment characteristics do not impact any

eligibility determination.

Student Support Team (SST)

committee comprised of specific mandated members and others that discusses the referral and decides whether a special education evaluation is needed

Surrogate Parent

person annually appointed by APS to act in best interests of the student regarding provision of FAPE and LRE; appointment subject to specific legal requirements; enacted only when parent(s) cannot be identified or found, child is a ward of the state, or is an unaccompanied homeless youth

Timelines

the number of business days in advance of an eligibility meeting that special education components must be made available to parents

10 Day Timeline - the maximum number of business days in which the SST must meet following a school’s receipt of a referral; the maximum number of business days in which a PWN must be issued following the SST, Eligibility Committee meeting, and IEP Committee meeting; the maximum number of days of short-term removal without conducting an MDR; the maximum number of days in which to conduct an MDR once the decision to do so is made

30 Day Timeline - the maximum number of calendar days in which an IEP must be written following an initial Eligibility committee meeting or implementation of an interim IEP; the maximum number of Calendar days of duration of an interim IEP

60 Day Timeline - the maximum number of calendar days in which a special education evaluation must occur and in which a special education eligibility determination is made; timeline begins on date of SSC recommendation to evaluate

Twice Exceptional (2E)

combination of educational identifications of a disability as defined by IDEA and giftedness as defined by APS criteria Educational Services for 2E

Virginia Regulations

Regulations Governing Special Education Programs for Children with Disabilities in Virginia

07

COMPARISON OF IDEA AND SECTION 504 PROCESSES

COMPARISON OF IDEA AND SECTION 504 PROCESSES

IDEA	SECTION 504
PURPOSE	
To provide federal financial assistance to state and local education agencies to assist them to educate children with disabilities.	To eliminate discrimination on the basis of disability in all programs and activities receiving federal financial assistance.
WHO IS PROTECTED?	
All school-age children who fall within one or more of several specific categories of disability (i.e., intellectually disabled, hard of hearing, speech or language impaired, visually impaired, emotionally disabled, orthopedically impaired, other health impaired, deaf, deaf-blind, multiple disabled, specific learning disabled, autistic, or traumatic brain injured) and who, because of such disability, need special education and related services.	All school-age children who have a physical or mental impairment, which substantially limits a major life activity, have a record of such impairment or are regarded as having such impairment. Major life activities include, but are not limited to, walking, seeing, hearing, speaking, eating, breathing, learning, working, reading, concentrating, thinking, caring for oneself, performing manual tasks, a variety of bodily functions (e.g., respiratory, digestive, endocrine). Section 504 protects many students covered by IDEA as well as other students with disabilities.
DUTY TO PROVIDE A FREE APPROPRIATE PUBLIC EDUCATION (FAPE)	
Both laws require the provision of FAPE. Section 504 defines FAPE more broadly than does the IDEA.	
Requires that FAPE be provided to students who, because of disability, need special education and related services.	Requires that FAPE be provided to students who, because of disability, need accommodations, and/or services in general education.
Defines FAPE as special education and related services. A student can receive related services under the IDEA if and only if the student is provided special education and requires related services to benefit from special education.	Defines FAPE as general or special education and related aids and services. A student can receive related services under Section 504 even if the student is in general education full-time and is not provided any special education.
Requires a written IEP document with specific content and a required number of specific participants at the IEP meeting.	Requires documentation of the eligibility process and related determinations by a group of people knowledgeable about the student, the nature of the student's disability, and the placement options; may include a plan setting out the services necessary to provide FAPE.

SPECIAL EDUCATION VS. GENERAL EDUCATION

A student is protected by the IDEA if, and only if, because of disability, the student requires special education or specialized instruction.

An eligible student is protected by Section 504 regardless of whether the student requires general education or specialized instruction. Some students protected by Section 504 are in general education full-time and are not provided any special education. If a student requires special education, the student will also be covered by the IDEA and those procedures will be followed.

FUNDING

Provides additional funding for protected students.

Does not provide additional funds.

PROCEDURAL SAFEGUARDS

Both laws require notice to parents/guardians with respect to the identification, evaluation and/or placement of protected students. IDEA procedures will suffice for Section 504 implementation.

Requires written notice and specific content to be included in the notice.

Requires written notice, but no specific content.

Requires written notice prior to any change in placement.

Requires notice prior to any "significant change" in placement.

EVALUATIONS

Both laws require the district to evaluate any student who may have a disability. All tests and other evaluation materials must:

- Be validated for the specific purpose for which they are used;
- Be administered by trained personnel in conformance with the instructions provided by their producer;
- Include those tailored to assess specific areas of educational need; and
- Be selected and administered to assure that the test results accurately reflect whatever factors the tests purport to measure.

Requires informed consent before an initial evaluation or reevaluation is conducted.

Requires parent/guardian consent for evaluations and re-evaluations.

Requires reevaluation to be conducted at least every three years.

Requires periodic reevaluations.

EVALUATIONS (CONT.)

In cases of disagreement between the district and the parent/guardian, provides for independent educational evaluation at district expense if parent/guardian disagrees with evaluation obtained by school unless hearing officer agrees with school.	No provision for independent evaluations at district expense. However, a district must carefully consider any evaluations presented by the parent/guardian.
When interpreting evaluation data and making placement decisions, both laws require districts to: • Draw upon information from a variety of sources; • Assure that all information is documented and considered; • Ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data, and placement options; and • Ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate (least restrictive environment).	
An IEP meeting is required before any change in placement.	A reevaluation by the group of knowledgeable people (usually done at a meeting) is required before any "significant change" in placement.
Does not require a grievance procedure, or a compliance officer. Does provide complaint for a state investigation process.	Requires districts with more than 15 employees to, (1) designate an employee to be responsible for assuring district compliance with Section 504, and (2) provide a grievance procedure for parents/guardians, students and employees to use for discrimination complaints.
Both statutes require districts to provide impartial hearings for parents/guardians who disagree with the identification, evaluation or placement of a student.	
Contains detailed hearing rights and requirements.	Requires notice, the right to inspect records, the right to participate in a hearing and to be represented by counsel, and a review procedure.
Requires the parent/guardian to pursue administrative hearing before seeking redress in the courts.	Administrative hearing not required prior to OCR involvement; generally, parent/guardian required to pursue administrative hearing before going to court.
Administered by the Office of Special Education Programs (OSEP) in the U.S. Department of Education. Compliance is monitored by Office of Superintendent of Public Instruction (OSPI) in the Virginia Department of Education and OSEP.	Enforced by the Office for Civil Rights (OCR) of the U.S. Department of Education.
OSPI resolves complaints.	OSPI has no monitoring, complaint resolution or funding involvement.

AUTISM:

A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term includes any autism spectrum disorder that adversely affects educational performance. The term does not apply if a student's educational performance is adversely affected primarily because the child has an emotional disability.

DEAF/BLINDNESS:

The student exhibits concomitant hearing and visual disabilities, the combination of which causes severe communication, developmental, and educational needs that cannot be accommodated by special education services designed solely for students with either deafness or blindness.

DEAFNESS:

A hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a student's educational performance.

DEVELOPMENTAL DELAY (2 THROUGH AGE 6 ONLY):

Delay in physical development, cognitive development, communication development, social or emotional development, or adaptive development.



Note: For students suspected of or having a developmental delay, at least one related service provider must conduct an evaluation.

EMOTIONAL DISABILITY:

(This includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disability) A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- An inability to build or maintain satisfactory interpersonal relationships with peer and teachers;
- Inappropriate behavior or feelings under normal circumstances;
- A general pervasive mood of unhappiness or depression; or
- A tendency to develop physical symptoms or fears associated with personal or school problems.



NOTE: For students suspected of or having an emotional disorder, a psychological evaluation and/or social work evaluation must be conducted.

HEARING IMPAIRMENT:

An impairment in hearing, permanent or fluctuating, that adversely affects a child's educational performance but is not included under the definition of deafness.

INTELLECTUAL DISABILITY:

(Mild, Moderate, Severe/Profound) Significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.



NOTE: For students suspected of or having an intellectual disability, a psychological evaluation must be conducted and recommendation for eligibility must be made by a school psychologist.

MULTIPLE DISABILITIES:

Concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. (Does not include deaf/blindness.)

OTHER HEALTH IMPAIRMENT:

Limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, due to chronic or acute health problems such as a heart condition, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, attention deficit hyperactivity disorder (ADHD), leukemia, diabetes, rheumatic fever, or Tourette syndrome, and adversely affect a child's educational performance

ORTHOPEDIC IMPAIRMENT:

A severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, disease or other cause (e.g., cerebral palsy, amputation, fractures, or burns).

SPECIFIC LEARNING DISABILITY (SLD):

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.



NOTE: For students suspected of having an SLD, before the team can determine whether the student has a disability, they must complete the steps described below. Additionally, the team includes the school psychologist as part of the IEP team for this discussion given his/her expertise in data analysis and basic psychological processes.

SPEECH OR LANGUAGE IMPAIRMENT:

A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a child's educational performance.

TRAUMATIC BRAIN INJURY (TBI):

An acquired injury to the brain, caused by an external force. This injury results in total or partial functional disability, or psychosocial impairment, or both, that adversely affects the student's educational performance. This term does not apply to brain injuries that are congenital, degenerative or induced by birth trauma.



NOTE: For students suspected of or having a TBI, a psychological evaluation must be conducted.

VISUAL IMPAIRMENT:

An impairment in vision that, even with correction, adversely affects a child's educational performance (includes both partial sight and blindness).

08

**RECORDS, MAINTENANCE
AND FILE ORGANIZATION**

ARLINGTON PUBLIC SCHOOLS DEPARTMENT OF STUDENT SERVICES & SPECIAL EDUCATION OFFICE OF STUDENT SERVICES

PREPARING RECORDS FOR GENERAL END OF YEAR CLOSEOUT, DESTRUCTION * *, AND/OR SUMMER TRANSFER

The maintenance of the educational record is the responsibility of each school. The information below indicates the information to be included in a cumulative folder, how the folder should be organized, and provides direction for general end of the year records closeout (maintenance). Additionally, this document serves as a reference tool for preparing records for summer transfer or yearly central office requests for records to be destroyed. Unless noted otherwise, the information below applies to both general maintenance of records, and summer records transfers.

RECORDS MAINTENANCE

MAIN FOLDER I - (Manila/Buff Color)

1. Personal Data and Test Results Card - (Yellow Card)

General

- Demographic fields no longer need to be completed (i.e., there is no longer a need to hand write any information on the card); HOWEVER,
- This card should be used to affix SOL labels, WIDA labels and any other testing labels that are generated.
- Stickers should be affixed to either side of the card, but in chronological order as much as possible.
- Yellow Card stock may be used when official APS personal data cards are unavailable.

Summer Records Transfers

- When transferring to another APS school, **DO NOT SEND CUMULATIVE FOLDER UNTIL SOL LABELS ARE RECEIVED and AFFIXED.**

2. All other test profiles and results (e.g., PALS, K-3 math sheets)

3. Elementary Academic Record - (Salmon Card)

General

- Salmon cards no longer need to be completed. (i.e., there is no longer a need to hand write any information on the card); HOWEVER,
- If there is data currently written on the Salmon card, the card should be maintained in the cumulative folder.
- New Students - When a cumulative folder is created, this card should no longer be included.
- In lieu of the Salmon card, include a copy of final report card at the end of each year
 - File in report card envelope o Applies to withdrawn students as well

Summer Records Transfers

- Salmon cards with any data written on them should be sent as part of the cumulative folder.
- In addition to previous final report cards noted above, include a copy of final report card for the year.

4. Middle/High School Academic Record

General

- Include a copy of the final report card/transcript each year
 - Applies to withdrawn students as well

Summer Records Transfers

- Middle School - In addition to previous final report cards/transcripts noted above, include the final middle school transcript.

5. Individual Reading Record (Also known as the Beige Card, Reading Card, or English/Language Arts Card)

General

- This card no longer needs to be completed. (i.e., there is no longer a need to hand write any information on the card); HOWEVER,
- If there is data currently written on the card, the card should be maintained in the cumulative folder.
- New Students - When a cumulative folder is created, this card should no longer be included.

Summer Records Transfers

- Cards with any data written on them should be sent as part of the cumulative folder.

6. Academic and Career Planning Form (Secondary Schools)

7. Participation of LEP Students in SOL Assessments (for ESOL/HILT students, grades 3 through 8).

8. Copy of birth certificate

- If no birth certificate is available, a notarized affidavit must be placed in the student's file.

9. Speech/language and gross motor screening forms (Non Special Education Related). All students should have these forms on file.

10. Medical-Nursing Records

General

- Records of physical exams and immunizations.
- Other records are maintained in the individual School Health Office. Summer Records Transfers
- Records of physical exams and immunizations should be included.
- Records maintained in the individual School Health Office should be transferred through school nurses.

11. Education Background and Assessment Information folder (Hot Pink), if applicable.

12. Language Registration Packet, (i.e., Language Services Information) if applicable.

Summer Records Transfers

HILT/HILTEX Resource Specialist at the sending school is to ensure that the cumulative folder includes:

- Language Identification Card
- Intake assessment packet HILT/HILTEX Resource Specialist at the sending school is to:
- Send to the receiving HILT/HILTEX Resource Specialist, any special information about the student who is transferring

13. Residency Documentation (e.g., Lease, A/B forms and other documentation of proof of residency)

14. Student Placement, Transfer Requests, and Applications (e.g., VPI/Montessori applications, application decisions, school transfer requests).

SPECIAL EDUCATION FOLDER II – (Red) Folders of active special education students should be arranged in the order that follows, going from back to front of the folder.

I. Each referral, triennial/eligibility material is to be fastened securely in distinct packets, most recent first. II. Materials are to be organized from back to front of folder in chronological order (oldest in the back). III. No educational test protocols (booklets) are to be in the records. IV. Report cards may be stapled to the backs of the IEP's but may not be utilized in lieu of progress and mastery notes in the IEP. V. IEP's are to be retained for 5 years and fastened together separately from the above materials in chronological order. VI. Copies of written notification to parents of IEP meetings should be attached to the corresponding IEP's.

GIFTED FOLDER III – (Blue) All paperwork collected during the identification process. Examples include:

- Gifted Identification Card
- Permission Letter from Parent permitting gifted services
- Notification of acknowledgment signature page to initiate eligibility process
- Parent referral - if applicable
- Two student product rating forms
- SIGS form for academic area
- Teacher checklist for arts areas
- Student Self-Assessment/Interview form (grades 4-12 - only)
- Parent information sheet
- Copies of all letters sent to families throughout the identification process

DISCIPLINE/LEGAL FOLDER IV – (Yellow)

- Disciplinary Records (e.g., Suspensions and Expulsions)
- Court Documents (e.g., custody paperwork)
- Attendance letters and other official attendance documentation

OPTIONAL RECORDS/GENERAL FOLDER V – (Green)

- All IAT related information/documents (e.g., intervention plans, outcome of interventions, and correspondence to team members and parents)
- Student Study information that does not result in a decision to move forward to the special education assessment and eligibility process.
- Risk assessments should be filed here.

SECTION 504 FOLDER VI – (Orange)

- Section 504 Plans, process documents and other supporting information.

Special Note(s): Some receiving schools wish to have other data. In these cases, it is the responsibility of the receiving school to arrange for this with the sending school, e.g., physical fitness record.

Before requires a copy of sending that this schools inventory records maintain is to sent another an along inventory school, with the of The records student Department to records the receiving transferred of Student school. between Services APS & Special schools Education and that April, 2015

Official APS documentation not listed above (e.g., documentation on district/school letterhead) should be filed in the back of the cumulative folder.

****RECORDS DESTRUCTION****

This Section pertains ONLY to the yearly request from the Education Center (Central Office) for specific year-range (e.g., 1987 – 1988) cumulative records. State law mandates that records be discarded in a timely manner in accordance with retention schedules and rules. Please assist us in this process by forwarding records to Records Clerk: Mary Beth Vieira, third floor, Education Center, when requested (will be notified via memo).

Before sending the records:

- Check for completeness (ALL information in the Records Maintenance section above should be included)
- Remove **all staples** and **paper clips**
- Arrange folders alphabetically within the transfer box.
- Include a list of records sent on school letterhead including the contact person's name and phone number –
please include the following:
 - Student's ID#
 - Name DOB Special Ed (check)
 - 504 (check)
 - 504 (check)

Notify Mary Beth Vieira once the records are sent - mary.vieira@apsva.us.

Thank you for your support in managing student records!