



Northwest Kansas Educational Service Center (NKEESC) Special Education Services

**703 W 2nd
Oakley, Kansas 67748**

**Member districts: Cheylin (103), Rawlins County (105),
Wakeeney (208), Wallace County (241), Weskan (242), Oakley
(274), Triplains (275), Hill City (281), Grinnell (291),
Wheatland (292), Quinter (293), Oberlin (294), St. Francis
(297), Brewster (314), Colby (315), Golden Plains (316),
Goodland (352), Hoxie (412), and Healy(468).**

POLICIES, PRACTICES, PROCEDURES Handbook

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Introduction

Each Kansas Public Special Education entity (School District, Special Education Cooperative and/or Interlocal) is required to maintain policies, practices and procedures regarding child find, screening, general education interventions (GEI), referral, evaluation, and eligibility practices and procedures to locate and identify children with disabilities. Acting as a special education interlocal the Northwest Kansas Educational Service Center (NKESC) is charged with both the administration and supervision of services to students with special needs.

This document has been developed to provide the required local written policies, practices and procedures to be followed in each member district in its service to students with special needs.

Public Notification of Availability of Special Education Services [K.A.R. 91-40-7(d)]

Annually, each member district will provide public notice of the availability of special education services. This notice is to be made in conjunction with annual school enrollment information.

Special Education information regarding availability of special education services is to be included in member district handbooks.

Child Find [K.A.R. 91-40-7(a)]

Each member district implements procedures to identify, locate, and evaluate all children with exceptionalities residing in its jurisdiction, including children with exceptionalities who meet any of the following criteria: 1) are attending private or parochial schools; 2) are highly mobile, including migrant and homeless children; or 3) are suspected of being a child with a disability even though the child may be advancing from grade to grade.

Annually the Director of Special Education will consult with each private and parochial school within the NKESC catchment area to provide information on special education services. Documentation of the private school consultation, e.g. meeting notes, phone logs, sample agreements, and letters/correspondence, will be maintained.

Routine meetings and activities will be held with community organizations that are likely to interact with highly mobile and homeless populations. Information about special education services and the child find process will be provided. The Director of Special Education will retain documentation of these meetings/activities.

The students in each of the member districts will be monitored to insure progress towards proficiency on state and local assessments. Any student who is not demonstrating growth will be considered for the building-level general education intervention process (or the multi-tiered system of support/MTSS in schools who have completed state sanctioned training).

The NKESC Autism Team(s) will meet as requested with building staff to review characteristics of students with autism/autism spectrum disorders. Procedures to request a student observation, screening and/or assessment are made available through brochure and in-service activities.

The NKESC Traumatic Brain Injury Team (TBI) will meet as requested with building staff to review service options for any student diagnosis with a TBI. Procedures to request a student observation and other services are made available through brochure and in-service activities.

Screening for Children Age 3 to 5 [K.A.R. 91-40-7(b)]

Developmental screenings for children birth to age 5 (including vision and hearing checks) are conducted throughout the school year. In order to increase availability to district patrons, individual appointments can be made at parent convenience or parents may choose to participate in community screenings. Information regarding the availability of screenings and contact information is disseminated on an on-going basis with collaborative partners, health providers, and the local Interagency Coordinating Council (EC3). Additional public service announcements on screening availability are provided in area newspapers, cable television, radio, and district newsletters.

Part C/*tiny-k* (birth to age 3) services are also provided by NKESC. District transitions are provided at least 90 days prior to the date the child turns three or as soon as a child is identified should they be referred under the 90-day to age 3 guideline.

The NKESC Head Start program (serving children ages 3 and 4), in conjunction with the Special Education program, annually conducts a developmental screening of children whose parents have requested Head Start home-based or school-based services. All children who score outside age norms during the screening are immediately referred for follow-up (Either special education referral or for a re-screen). At any time during the screening process it becomes a concern that the child is suspected of having a disability, the staff are to refer the child to Special Education without delay.

Screening/General Education Interventions: Students Kindergarten through Age 21 [K.A.R. 91-40-7(b)]

NKESC in conjunction with its member district conducts annual hearing and vision screenings for all students in grades Preschool through Third Grade. Follow-up screenings for students in grades fifth, seventh; ninth and twelfth are conducted annually. Additionally all new students receive a hearing and vision screening. The parent of any student who fails a hearing and/or vision screen is notified of the results and provided recommended actions. Additional hearing/vision screenings are completed, at the request of a parent or school personnel. Students currently receiving special education services are screened annually for hearing and vision.

Documentation of building-level general education interventions (GEI) is required for children prior to evaluation for special education eligibility, except for speech articulation-only evaluations (of which GEI is also available). If a parent or guardian insists upon an immediate evaluation the GEI is conducted in conjunction to typical evaluation procedures. The GEI can be carried out through a school-wide approach of providing a multi-tiered system of scientifically, research-based interventions for all children or through an individual student problem solving approach. Regardless of the approach used, the focus is on designing supports for children who need additional assistance in order to be successful in the general education curriculum and environment.

The GEI process continues until a successful intervention is determined or when it is evident that the successful intervention requires resources beyond those available in general education, and/or when the team suspects the child is a child with an exceptionality (disability or giftedness). At any time during GEI, the team responsible for planning and implementing the interventions has three decisions that may be made:

- a. Continue the intervention and monitor child progress;
- b. Change or modify the intervention and monitor child progress; or,
- c. Change or modify the intervention, monitor child progress, and refer the child for a special education evaluation.

School-Wide Multi-Tiered System of Support (MTSS)

The Multi-Tiered System of Support (MTSS) is a broad continuum of evidence based, system-wide practices to support academic and behavioral needs. The MTSS system uses frequent data to monitor progress and to help make instructional decisions for students at various levels of need. The following briefly explains the multi-tiered aspect of MTSS:

Tier 1: All children receive a core instructional program based on scientifically validated curriculum. Interventions are provided through the general education setting.

Tier 2: Those children who do not respond to the core instructional procedures will receive targeted group intervention in addition to core instruction. More frequent measures of progress monitoring are used to collect child progress data.

Tier 3: A few children receive intensive, individualized interventions. These may be in addition to, or instead of, the supports provided in Tier 1 and Tier 2, depending on the needs of the child. Interventions will be more intensive and delivered in more substantial blocks of time.

Individual Student Problem Solving Approach (SIT/STAT)

The Individual Student Problem Solving Approach for students that exhibit academic and/or behavioral needs is carried out through building level problem-solving teams. Using data from general education settings/environments, the team conducts problem-solving activities to select interventions, accommodations and modifications to provide the necessary support so the student can be successful within the general education setting. The problem-solving approach includes the following steps:

- STEP 1. Problem Identification
 - a. Precisely define the problem.
 - b. Measure the skill or behavior in the natural setting to establish baseline performance.
 - c. Estimate the severity of the problem.

- STEP 2. Problem Analysis
 - a. Analyze antecedent, situational, and consequent conditions.
 - b. Use ICEL components (instruction, curriculum, environment, and learner) to analyze the problem.
 - c. Collect additional data as needed to understand the cause of the problem.

- STEP 3. Develop and Implement an Intervention Plan
 - a. Formulate a plan that uses scientific research based interventions designed to target the cause of the presenting problem.
 - b. Establish intervention goals.
 - c. Develop a plan for monitoring progress that specifies the child data to be collected and the schedule for collecting it. Decide how the data will be displayed (e.g. chart/graph) to facilitate evaluation.
 - d. Implement the plan with treatment integrity and frequent monitoring of progress.

- STEP 4. Evaluate and Revise Plan
 - a. Review progress-monitoring data to determine if enough progress has

- been made.
- b. If expectations have not been met, repeat Step 2 to further analyze the problem.
 - c. Revise current intervention or select a new intervention including components of Step 3.

At the conclusion of the SIT/STAT process, schools must have data-based documentation that verifies:

1. Appropriate instruction was provided to the child,
2. The child was provided appropriate instruction and delivered by qualified personnel in regular education settings;
3. The child's academic achievement was repeatedly assessed at reasonable intervals, which reflected formal assessment of the child's progress during instruction; and,
4. The instructional strategies used and the student-centered data collected.

Referral for Initial Evaluation [K.A.R. 91-40-7(c)]

NKESC and its member districts requires there be databased documentation that an evaluation is necessary. For students that have been within a district GEI process, data-based documentation indicating a need for referral is provided to the building's school psychologist, building principal or special education teacher who then notifies other appropriate special education members and appropriate regular education staff. Required written documentation includes: (1) documentation showing the student was provided appropriate instruction in regular education settings delivered by qualified personnel, (2) the results of frequent progress monitoring assessments that reflect the impact of the intervention(s), (3) evidence as to how intervention results were shared with the student's parent(s), and (4) the completed referral form for initial evaluation, including the progress monitoring data. All documentation should be compiled and available for administrative review.

Any parent request for an initial evaluation will be directed to the building principal, school psychologist, or Director of Special Education. If the request is not in writing, the parent will be immediately contacted and informed of the written requirement. In addition, the recipient of the written request informs the parent of the building-level GEI process.

Once the referral and supporting data have been received a school special education team member will obtain parental consent to conduct an evaluation. A copy of Procedural Safeguards concurrently with the consent for evaluation [K.A.R. 91-40-26(d)(1)] will be provided. The notice will be available in a language understandable to the general public, and in the native language of the parent. Additionally, if the native language or other mode of communication of the parent is not a written language, the school must take

steps to ensure that (a) the notice is translated orally, or by other means, to the parent in his or her native language or other mode of communication (such as sign language); (b) the parent understands the content of the notice; and (c) there is written documentation that these requirements are met. **[K.A.R. 91-40-26(b)(c)]**. Special Education Staff will answer any questions the parent may have about the content and context of the evaluation and the types of evaluation instruments used. The Special Education team will follow Kansas law and regulations regarding the timeline and the content of the evaluation.

For students who transfer into the district after an initial evaluation has begun in a previous district, the student's prior school will be contacted as soon as possible to obtain completed assessment information to aid in the prompt completion of the evaluation **[K.S.A. 72-986(c)(4)]**.

Under some special circumstances the GEI team may initiate an evaluation referral during the initial GEI team meeting. These circumstances might include parental request for evaluation, a traumatic brain injury, or student behavior/learning deficits that are extraordinarily severe. In such cases, the team must develop general education interventions to be implemented during the evaluation process and review the outcomes of the interventions during the evaluation staffing. It is the Special education team's responsibility to complete the appropriate general education intervention forms and to include a statement documenting why the team decided to initiate an evaluation prior to completion of GEI.

Notice and Consent [K.S.A. 72-986(b)]

Once General Education Interventions (GEI) activities [Multi-Tier System of Supports (MTSS) and/or Individual Student Problem Solving (SIT/STAT)] have been completed or other condition(s) to refer for an initial evaluation have been met, parents will be provided the *Notice of Evaluation and Request for Consent* form describing the proposed initial evaluation and asked to provide consent for the school to conduct the initial evaluation.

Should parents refuse permission for evaluation, they will be asked to sign the *Notice of Evaluation* form indicating they do not give consent. If they choose not to sign indication of the refusal, this will be noted on the form with date, and signed by a school representative.

Evaluation Procedures [K.S.A. 72-986(c)(1)(3)]

The initial evaluation to determine eligibility for special education services is initiated when the General Education Intervention (GEI) team documents that supports provided

within the GEI are not sufficient to meet the students needs and referral to special education is needed.

Comprehensive evaluations will include assessment of those cognitive and skill domains based on the reasons for referral. In conducting all evaluations, a variety of age and culturally appropriate assessment tools will be used to ensure that the child is appropriately assessed in all areas of suspected exceptionality. These assessment procedures generally will provide academic, developmental and functional data that assist in determining eligibility and *Individualized Education Plan (IEP)* development. No single assessment or procedure will be used to make eligibility determinations. The evaluation will be multi-sourced and multi-disciplined. All assessment procedures will be technically sound and administered by appropriately trained staff in accordance with instructions provided by the test publisher. Assessment procedures will be administered in the child's native language and/or form most likely to yield accurate/relevant information about the child's current academic, developmental and functional levels, unless it is not feasible to so provide or administer.

A Caution Concerning Standardized Test

Intelligence and academic achievement test scores are often used to recognize and identify students with exceptionalities. Many researchers urge caution with this practice. Heavy reliance on standardized test often result in diverse groups of students being unequally represented. Additionally, standardized scores offer little information as to student's skills on needed supports. Instead school teams are encouraged to focus identification upon a variety of assessment tools and strategies to gather relevant functional, developmental and academic information.

GRIOT offers a framework in which teams can organize and structure data collection for eligibility determination and for program planning.

G – General Education Intervention/Curriculum Process

R – Record Review from multiple sources

I - Interviews of the student, parents, and others involved or knowledgeable about the student's performance.

O – Observation in typical environments

T – Testing thoughtfully selected to provide useful diagnostic and programmatic information.

Three-Year Reevaluation/Developmental Delay Reevaluation

The purpose of the 3-year reevaluation is to determine: the student's present levels of academic ability, functional achievement and educational needs. The three-year reevaluating does not require new testing be completed if the team members feel they can

make the required determination with existing data. However, it is best practice to conduct a three-year reevaluation. If possible effort should be made to align the 3-year reevaluation with annual IEP reviews saving both the parents and staff from having an additional meeting.

If a child age 3-9 was determined eligible as a child with a Developmental Disability (DD), a reevaluation must be conducted before the child turns age 10 to determine whether the child continues to be a child who is in need of special education services and which of the required special education categories best identifies the student's need. This reevaluation may take place any time prior to the student's 10th birthday.

Independent Educational Evaluation

After an evaluation is completed, if the parents disagree, they have a right to ask for an independent evaluation at public expense. In some instances parents have opted to allow NKESC to conduct a new evaluation with NKESC staff assigned to a different district. If the parents agree with this procedure the team should document the request in writing. However, if a parent prefers an independent evaluation the team is to contact the Director of Special Education immediately so that either:

- they are provided information about where an independent educational evaluation can be obtained
- ensure that the evaluation is provided at public expense, or
- initiate a due process hearing to show the districts evaluation was appropriate

If the parents obtain an independent evaluation at public expense or provides the district with an evaluation obtained at private expense, the results of the evaluation shall be considered by the school team, and if it meets school criteria (i.e. conducted by qualified professionals etc.) the results should be considered in any decisions made in respect to the provision of a Free Appropriate Public Education (FAPE).

Eligibility [K.S.A. 72-986(e)]

The evaluation team, including the parent of the child, use the data collected during evaluation to determine 1) whether the student has exceptionality and, 2) the need for special education services and related services. In making this determination (using *KSDE Eligibility Indicators*) the team must consider exclusionary factors including, lack of instruction in reading (including instruction in the essential components of reading),

lack of instruction in math, and/or limited English proficiency. Upon making the determination, the team must write an eligibility report and provide the parent with written documentation of the eligibility determination.

Should the evaluation team decide the student is eligible for, and needs, special education services, an initial IEP is scheduled. Parent(s) will be provided a written Notice of Meeting at least 10 days prior to the IEP meeting. Attempts should be made to contact the parents to schedule a mutually convenient time to meet. A draft IEP must be developed for review at the IEP meeting. It is the responsibility of each service provider to develop goals and objectives based on data collected during the evaluation. At the conclusion of the IEP meeting, the parents will be provided with Prior Written Notice, based upon the placement and services outlined within the IEP.

If the student qualifies for special education services, services will begin according to the plan outlined in the student's IEP and *Prior Written Notice*.

Initial IEP Without Parent Consent

An Initial IEP may be written without parents in attendance if all steps outlined in K.A.R. 72-987(b)(2)(3) and K.A.R. 91-40-17 (in the *Special Education Process Handbook*) have been followed. It is the responsibility of the building school psychologist to document that these steps and conditions have been followed.

No Placement Without Parent Consent

Although an IEP may be written without the parent in attendance, no placement can be made without parent consent. No special education services will be provided to the student until the parent signs the *Initial Evaluation Summary*, *IEP*, and *Prior Written Notice* forms.

Dissenting Opinions (minority report)

Should the multi-disciplinary Special Education Team (Evaluation or IEP) find that they are disagreeing on actions to be taken concerning special education services, the minority members may complete a written dissenting opinion or minority report. This report is to contain information as to the specific reason why the disagreement is documented and suggested alternative action recommendations. The dissenting/minority report is provided as part of the IEP and filed with the IEP. Additionally a note referencing the report is to be included in the Special Considerations section of the IEP.

The Director of Special Education is to receive a copy of the report for review.

Extended School Year Services (K.A.R. 91-40-1 (X) KA.R.91-40 3(e))

The IEP team must consider the need for extended school year (ESY) services for students with disabilities. The decision to provide ESY services is based on several factors, which may include:

- 1). Regression of skills over a break which are excessive and at least 45 school days or more for recoupment.
- 2). The severity of the disability and the effects of a break upon loss of skills or behaviors that adversely effect further development.
- 3). Critical periods of growth and development that inhibit further growth or movement toward self-sufficiency.

ESY documentation is to be completed on the web based IEP and details submitted to the NKESC Special Education Department prior to April 30 unless unusual circumstances exist.

Alternative School/Second Chance

The purpose of the Second Chance Program is to provide educational services to students who are under long term supervision or expulsion at the residence school and to students whose behavior or social emotional state have resulted in chronic disciplinary actions within the regular school environment.

Placement

The placement of students in the Second Chance Program is determined by a team comprised of an administrator and teacher from the local school district, the administrator and teacher from the Second Chance Program and the parents of the student. For students on an IEP, the IEP team will be part of the placement team. The team will examine the student's current disciplinary status and educational records in order to make a determination about placement in the program.

Length of Placement

The length of placement varies from student to student. For regular education students who are under long-term suspension or expulsion, the length of enrollment may coincide with the length of suspension or expulsion; for students who are on IEPs the length of enrollment may be less specific. The IEP placement team may agree to the criteria needed necessary for the student to return to home district environment.

Transportation

Unless otherwise arranged, transportation to and from the Second Chance Program is provided by the home school district. The Second Chance Program will consider hiring drivers as paraprofessionals for the program if agreed upon by all parties.

Curriculum

The enrollment team will have the option of placing the student in a self contained computerized curriculum, working a combination of online and off line courses, or having a student continue in the local curriculum. If the local curriculum is chosen, contact persons of the local school district is designated to facilitate communication between the enrollment school and the Second Chance Program.

A student attending the Second Chance Program remains a student enrolled in their home district. Official disciplinary actions concerning the student become part of their official school record upon the students return. The enrollment school gives the Second Chance Program administrator or designee the authority to impose and carry out any and all disciplinary actions necessary to ensure that the program operates in a safe and efficient manner.

State Assessment

State Assessment participation is the responsibility of the enrollment district. Second Chance staff will administer state assessments upon requests of the enrollment district provided required materials are available.

Credits

All credits earned while a student is enrolled in the Second Chance Program will count towards the graduation requirements at their enrollment school.

Calendar

Students who attend the Second Chance Program will follow the school calendar of their enrollment district. The student will observe the enrollment district's school holidays and school closings. In addition to the local district calendar the Second Chance Program will be closed for NKESC holidays, inservice days or by order of the NKESC executive director or a designee.

Length of Day

The Second Chance Program operates daily from 8:00 AM to 3:30 PM. Student attendance times at the second Chance Program will be expected to fall within that timeframe excluding travel time. No exceptions will be allowed without the written consent of the NKESC executive director or his designee.

Attendance and Absences

For accounting purposes the student will be counted as in attendance for a full school day if the student is in attendance at the designated attendance center for more than 50% of the students designated daily time. For students being served in off campus settings such as homebound, the student will be considered in attendance for a full day, if the student completes the materials necessary to progress toward meeting the goals and objectives as specified in the IEP.

Students will follow the absentee policy for their home district. Typically, unless otherwise specified, parents can excuse students. Students absent from school will be considered unexcused if, they do not attend school and parents have not excused them or if they leave school without permission and do not return.

Extracurricular Activities

The school of enrollment for the student will make the determination as to whether the student will be allowed to participate in local extracurricular activities. The Second Chance Program will not provide any extracurricular activities as part of its curriculum.

Emergency Safety Interventions (ESI) 91-42-2

Each district must develop and implement written policies to govern the use of emergency safety interventions (seclusion and physical restraint) for all students including those with special needs. Policies must address school personnel training, written parental notification, documentation of incidents, procedures to collect, maintain,

and review documentation for each emergency safety intervention occurrence, and local dispute resolution procedures. NKESC and its member districts will follow at a minimum the procedures referred below for ESI.

- All staff that could be involved in any incident that may result in the use of ESI will have received training in an approved behavioral intervention program. NKESC offers Crisis Prevention Training (CPI) routinely throughout the year.
- Any ESIs that occur will be documented in writing with copies of the report provided to the Building Principal and Director of Special Education.
- ESI will be considered a procedure used only when other less restrictive options have been attempted or immediately in situations of immanent danger for the student or others. ESI is never to be used as a behavioral technique to improve behavior but considered only in emergencies.
- Local Boards of Education are to establish a complaint process available for parents to utilize. Additionally any parent of a student requiring special education services that has a concern with an ESI incident may contact the Director of Special Education and request an additional review of the incident

Fiscal Management

(34 CFR 80.21) (34 CFR 80.22 & OMB Circular A-87, Appendix A,C) (34 CFR 80.32 & OMB Circular A-87, Appendix B, 15) (34 CFR 80.42 (b) (1) & 34 CFR 80.42 (b) (2) (34 CFR 300.209 (b) (34 CFR 300.133) (34 CFR 300.133 (D) (34 CFR 300.144 (a) (34 CFR 300.422 (a) (b) (34 CFR 300.646 (b) (2) (34 CFR 300.226)

NKESC maintains a fiscal management policy to govern financial process within the agency. Fiscal items related to federal Title VI-B IDEA funds are further addressed below and/or are embedded within federal requirements on grant assurances.

Cash Management

NKESC “draw” requests of Title VI-B IDEA funds are based on need. Requests are made on funds after they have been expended. NKESC budgeting procedure is to spend prior year Title VI-B IDEA funds in the current school year (i.e. federal fiscal year 13 funds will be spent in school year 13-14).

Federal Funds

NKESC tracks Title VI-B IDEA funds through Revenue and Expense accounts that are coded exclusively to form 240 requests.
(KSDE online request)

All Federal Title VI-B IDEA funds are used in accordance with federal requirements and allowable costs.

Semi-annual certificates and/or daily affidavit of service logs are maintained by all employees. The daily logs document both staff paid fully or partially with federal funds.

Document Retentions

NKESC maintains fiscal documentation for a minimum of five years.

Private School Proportionate Share

NKESC maintains documentation of revenue and expenditure reports in conjunction with daily service logs to ensure Section 611 and 619 funds are used to provide special education and related services to children with special needs who have been parentally placed in private schools located in the LEA.

Accompanying Documents

NKESC and its member districts are provided guidance to ensure appropriate services under special education requirements. The PPP along with the accompanying documents are to be followed by all school teams.

KSDE Special Education Process Handbook

KSDE Emergency Safety Interventions Guidelines

KSDE Reimbursement Guide

NKESC Fiscal Management Policy