**<District> School District**

**Special Education Procedures Plan**

**<Date Revised>**

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**Special Education Procedures Plan**

**Ed 1126.01(b)**

This Special Education Procedures Plan (Plan) describes <District> School District’s (LEA) procedures regarding the provision of a free and appropriate public education (FAPE) to all children with disabilities.  The LEA will annually review this special education procedural plan so that the procedures reflect current federal and state regulations.

This Plan has been developed to assure the State Education Agency (SEA), New Hampshire Department of Education, that the LEA has procedures to meet the eligibility requirements of Part B of the IDEA for purposes of receiving federal funds.

This Plan is aligned with 34 CFR Part 300 of the Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities - Final Rules – August 14, 2006 (IDEA 2004) and the New Hampshire Standards for the Education of Children with Disabilities, effective March 24, 2017, amended June 14, 2018, amended August 9, 2018 (NH Standards).

**Child Find Procedure**

**34 CFR 300.111 Ed 1126.01(b)(1); Ed 1105**

**Participation with Other Agencies**

**Ed 1126.01(b)(10)**

<District> School District understands that we have an obligation to find children who are potentially a child with a disability who is 2.5 years of age up to 21 years of age. This responsibility is known as child find, and is defined in the NH Standards under section Ed 1105.

<Please provide your procedure to find, identify and evaluate all children residing in the LEA, including those children with disabilities who attend approved nonpublic private schools within the geographic boundaries of the LEA.>

**Annual Dissemination of Child Find Procedures**

<Please describe how the LEA annually disseminates information about the child find procedures; including a contact person in the school.

\*For example information is disseminated annually using newspapers, flyers to public and private child care facilities, school websites, etc.>

**Referral Process**

<Please describe the LEA’s referral process:

The referral process should include; when referrals are received from parents or others, how parents are provided written notice of the referral (if from someone other than the parent), referrals for children who are not attending the traditional public school including who the referral should be provided to. Please describe how the LEA provides parents of children with disabilities information regarding parent rights and responsibilities.>

**Transition Process for Children Exiting Family Centered Early Supports and Services for Any Child Who is Potentially a Child with a Disability**

<Please describe the LEA’s early transition process for children exiting family centered early supports and services which assures that any child who is potentially a child with a disability is evaluated and eligibility for special education is determined prior to the child’s third birthday. Please include a reference to your interagency agreement between the LEA and the local area agencies. If appropriate, please attach the written agreement to this plan.>

**Participation with Other Agencies**

<Please include a component that ensures coordination with other local and state agencies in meeting the needs of children with disabilities.>

**Confidentiality of Information**

**Ed 1126.01(b)(2); Ed 1119**

<District> School District adheres to the Confidentiality of Information regulations set forth in the NH Standards, the Federal Family Educational Rights and Privacy Act of 1974 20 U.S.C. 1232G, (FERPA), and its implementation of regulations in 34 CFR Part 99 and the IDEA 2004; 34 CFR 300.610-627.

**Retention and Destruction of Special Education Records**

<Please describe your retention and destruction of special education records.

\*Please be aware that the NH Standards, adopted March 23, 2017, reformed April 10, 2020, includes a retention and destruction requirement pursuant to Ed 1119.01 and RSA 186-C:10-a.

Procedures to be included in your plan:

•The LEA shall have a procedure that at least annually there is a current list of the names and positions of those employees within the school who may have access to personally identifiable information.

•The LEA shall include the parent’s right to inspect and review special education records. Pursuant to RSA 189:66(IV)(a), the right to inspect and review the student’s education records within 14 days after the day the school receives the request for access.

•The LEA must keep a record of parties obtaining access to special education records collected, maintained, or used including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records (Record of Access form).

•The LEA shall list the types and locations of information.

•The LEA shall establish a policy for fees for copying (if applicable).

•The LEA shall establish procedures for amending records and resolving conflicts over records, including the opportunity for a hearing.

•The LEA shall comply with the state adopted special education retention policy.

•The LEA shall develop procedures for destruction of special education records.

•The LEA shall notify parents of the transfer of their child’s rights at the age of majority.

•The LEA must provide notice to both the parent and the student

•The LEA shall annually provide parents information about their rights under state and federal law.

•The LEA shall obtain parental consent before personally identifiable information is disclosed to parties, other than officials of participating agencies (Authorization to Disclose/Release Information Form).

•The LEA shall ensure that all persons collecting or using personally identifiable information must receive training or instruction regarding the State’s policies and procedures pursuant to 34 CFR 300.623(c).>

If the rights accorded to parents are transferred to a student who reaches the age of majority, the rights regarding education records are also transferred to the student. The LEA will provide any notice required to the student and the parents.

**The school district employee who is responsible for ensuring the confidentiality of any personally identifiable information is:**

<NAME, TITLE>

**Facilities, Personnel & Services**

**Ed 1126.01(b)(3)**

**Special Education Facilities, Personnel, and Services**

<Each New Hampshire School District Special Education Plan must include a detailed description of all facilities, personnel, and services that are provided to children with disabilities.

Procedures to be included in your plan:

•All special education personnel must hold the appropriate and current certification for their assignment(s).

•All qualified examiners must hold the appropriate license or certification for required assessments.

•LEAs must maintain programs descriptions including information on the supports and services provided by each program and the age ranges and disabilities of students that program is approved to serve (a sample template is provided in draft plan).

•Continuum of Alternative Educational Environments-Ages 3-5 - Ed 1111.03 Table 1100.2

•Continuum of Alternative Learning Environments-Ages 6-21 – Ed 1111.03 Table 1100.3>

**Personnel Development**

**Ed 1126.01(b)(4)**

**Personnel Development**

<Each LEA‘s Special Education Plan must include a personnel development component. This section describes the various policies and procedures established by the LEA to ensure that all teachers, staff and administrators have access to professional development opportunities which enhance their knowledge and skills related to the education of children with disabilities. This section must include a description of current in-service activities and those for the next school year.

Procedures to be included in your plan:

•The LEA must file a 5-year Professional Development Master Plan for approval by the NH Department of Education and describe:

-a variety of professional development activities focusing on content and pedagogy

-a process to address recertification needs of all certified employees, including paraprofessionals

This plan includes a local professional development committee, established by the Superintendent of Schools. Check your Local Master Plan for details on LEA requirements.>

**Procedural Safeguards**

**34 CFR 300.504; Ed 1126.07(b)(7); Ed 1120**

The Individuals with Disabilities Education Act includes a section entitled "Procedural Safeguards”. These safeguards are designed to protect the rights of children with disabilities and their parents. They also provide families and schools the means for resolving disputes that may arise throughout the special education process.

<District> School District will give a copy of the current procedural safeguards notice to parents, including plain language explanations of parents’ procedural rights once per year, but at a minimum upon:

1. Initial referral for evaluation or parental request for an evaluation;
2. The first time in a school year that a request for a due process hearing is filed;
3. The first time in a school year that a complaint is filed;
4. The date in which the decision is made to make a removal that constitutes a change in placement of a child with a disability because of a violation of a code of student conduct, in accordance with the discipline procedures in 34 CFR 300.530(h); and
5. Upon request by the parent.

**LEA Procedural Safeguards**

<Please indicate if the LEA has created its own procedural safeguards or if they will be using the NH DOE’s procedural safeguards:

• The LEA’s Procedural Safeguards must be written in an “easily understandable manner.” or

• The New Hampshire Department of Education has created a Procedural Safeguards Handbook. Here is the link: https://www.education.nh.gov/instruction/special\_ed/proceduralsafeguards.htm>

**Pupil Evaluation to Placement**

**Ed 1126.01(b)(8)**

**Parent Involvement**

**Ed 1126.01(b)(5)**

<District> School District’s plan includes a pupil evaluation to placement section. This section describes the LEA’s procedures for referral, evaluation, development of IEPs, and placement for children with disabilities. These procedures involve parents in all aspects of the pupil evaluation to placement process.

**Pupil Evaluation to Placement**

<Procedures to be included in your plan:>

• The LEA shall develop a referral process for special education. The process shall comply with the requirements in Ed 1106.

• The LEA shall develop procedures regarding the special education evaluation process and comply with the requirements in Ed 1107 and include:

o A review of the child’s educational history; and

o The completion of assessments within the timelines for initial and reevaluations from the receipt of parental consent to evaluate;

o The evaluation requirements for children with specific learning disabilities;

o Independent educational evaluations;

o Qualified examiners; and

o Evaluation reports.

• The LEA shall develop and implement procedures regarding the development of IEPs and comply with the requirements in Ed 1109 and include:

o Elements of an IEP;

o Transportation;

o When an IEP is in effect, IEP meetings, development, review and revision of an IEP;

o Transition services;

o Copies of the IEP and Evidence of Implementation;

o IEPs for children placed in private providers of special education or other non-LEA programs by public agencies; and

o Monitoring and annual review of IEPs.

• The LEA shall develop procedures regarding placement for students with disabilities. The procedures shall comply with Ed 1111 and include:

o Placement in the least restrictive environment;

o Placement decisions;

o The Continuum of Alternative Educational Environments--Ages 3-5;

o The Continuum of Alternative Educational Environments--Ages 6-21

<Procedures to be included in your plan:

• The term “parent,” means a biological or adoptive parent, surrogate parent or a guardian pursuant to 34 CFR 300.30.

• The LEA must ensure that parents understand the proceedings of an IEP meeting and provide “informed” consent.

• LEAs must ensure that relevant special education information is communicated in language that is understandable to the general public and procedural rights are provided in the native language or other mode of communication used by the parent.

• The LEA must initiate the appointment of a surrogate parent under certain circumstances in accordance with Ed 1115. >

**Program Evaluation**

**1126.01(b)(9)**

<District> School District’s Plan includes a program evaluation component. The LEA’s procedures for program evaluation determine the effectiveness of special education programs and services in meeting the needs of the children with disabilities.

**Program Evaluation:**

< Procedures to be included in your plan:

• The degree to which the special education or special education and related services being provided for children with disabilities are effectively meeting the identified needs of the children with disabilities.

• The methods the LEA shall use for determining program deficiencies and future needs

• Strategies designed to eliminate identified gaps and program needs and

• A plan aimed at complying with the findings of the report issued by the Commissioner of Education following an on-site compliance monitoring review of the LEA's special education programs and the LEA’s implementation of the IDEA 2004 by the LEA pursuant to the duties assigned by RSA 186-C:5.>

**Children with Disabilities Enrolled by Their Parents in Private Schools**

**Ed 1126.01(b)(11)**

<District> School District has procedures in place that are designed to ensure the equitable participation of children with disabilities who are enrolled by their parents in private schools that are located within the jurisdiction of the <District> School District in accordance with 34 CFR 300.131 (child find for parentally-placed private school children with disabilities), 34 CFR 300.111 (child find), and 34 CFR 300.201 (consistency with state policies).

**Procedures for obtaining written affirmation of consult with private schools within the LEA’s jurisdiction**

<Please include in your procedures:

• The process by which written affirmation of the timely and meaningful consultation with private schools within the jurisdiction of the <District> School District will be obtained.

• The process for the development and implementation of a services plan for each child with disabilities who is enrolled by their parents in private schools who has been designated by the LEA to benefit from the equitable special education and/or related services.

• The process by which the LEA will maintain in its records regarding:

o The number of children evaluated;

o The number of children determined to be children with disabilities; and

o The number of children served. >

**Accessible Instructional Materials**

**Ed 1126.01(b)(12)**

<District> School District ensures that it has taken reasonable steps to provide children with disabilities who need instructional materials in accessible formats those appropriate materials at the same time other children receive their instructional materials.

**Accessible Instructional Materials**

<Please include the LEA’s procedures that ensure students with disabilities who acquire instructional materials in accessible format are provided at the same time other children receive their instructional materials>

**For Reference Purposes Only**

**IDEA Part B**

**Section 611 Assurances**

Each year, as a condition of receiving the federal funds, LEAs must assure compliance with all requirements of the IDEA. A section of the “Annual Request for Federal Special Education Funds” is dedicated to this requirement.

<District> School District assures that the required procedures are being followed and indicates the sources of documentation within the district within the following chart.

Each participating LEA must clearly identify the name of the document supporting each of the Federal Assurances; indicate where each document is located, and the date the document was adopted. Do not submit the documents. For monitoring purposes, each participating district must keep a file containing all the documentation referenced in this part. Specific guidance concerning what kinds of information is sufficient to document the LEA’s compliance is described below for your reference.

**IDEA Part B SECTION 611 ASSURANCES - SECTION II**

|  |  |  |  |
| --- | --- | --- | --- |
| **Federal Assurance** | **Document Name** | **Document Name & Location** | **Page** |
| **Free Appropriate Public Education (FAPE)** | Each application must assure procedures that all children with disabilities aged 3 to 21 residing within the jurisdiction of the local education agency have a right to FAPE, including children with disabilities who have been suspended or expelled from school.  SOURCES OF DOCUMENTATION  1. Written procedure for implementing FAPE from the local special education application.  2. Written school board policies and procedures that ensure FAPE.  3. Forms and other documents that are used in implementing FAPE for children with disabilities. | <List Document names & locations> | <#s> |
| **Child Find** | Each application must assure procedures which ensure that all children, including highly mobile children (such as migrant and homeless children), residing within the jurisdiction of the local education agency who are disabled, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated, including a practical method of determining which children are not currently receiving needed special education and related services.  Please note that the IDEA 2004 LEA child find requirements have changed for private schools. Each LEA shall locate, identify, and evaluate all private school children with disabilities, including religious-school children, educated in the jurisdiction of the LEA. The activities undertaken to carry out this responsibility for private school children with disabilities must be comparable to activities undertaken for children with disabilities in public schools.  SOURCES OF DOCUMENTATION  1. Written procedures for implementing a Child Find Program from the local special education application.  2. Written communications with representatives of private school children and other community agencies which relate to implementation of the Child Find Program.  3. Logs of telephone conversations with representatives of private school children and other community agencies which relate to implementation of the Child Find Program.  4. Brochures, newspaper and other media announcements concerning child find activities conducted by the agency. | <List Document names & locations> | <#s> |
| **Confidentiality of Information** | Each application must assure policies and procedures that ensure that the criteria in 20 U.S.C. 1400 et seq. are met.  SOURCE OF DOCUMENTATION  1. Written confidentiality policies and written procedures for their implementation from the local special education application.  2. Written confidentiality policies from the school board policy manual and written procedures for their implementation.  3. Forms and other documents used in implementing the confidentiality policies (e.g., record of access, permission to collect or release information, list of education records, list of persons having access to records, etc.). | <List Document names & locations> | <#s> |
| **Individualized Education Programs** | Each application must include procedures to assure that the LEA complies with the provision of 20 U.S.C. 1400 et seq.  SOURCE OF DOCUMENTATION  1. Written procedures for developing IEPs from the local special education application.  2. Forms used for gathering information for writing or revising IEPs.  3. Forms used to document the process of developing IEPs (e.g., meeting notices, minutes, etc.). | <List Document names & locations> | <#s> |
| **Procedural Safeguards** | Each application must provide assurance satisfactory to the New Hampshire Department of Education that the LEA has procedural safeguards which meet the requirements of 20 U.S.C. 1400 et seq.  SOURCES OF DOCUMENTATION  1. Written procedures from the local special education application, which is for providing students with disabilities and/or their parents with access to records, independent evaluations, written prior notice, impartial due process hearings, and providing for the appointment of surrogate parents.  2. Written information provided to parents concerning the items listed in #1 above including an explanation of how and when this information is provided  If using the Procedural Safeguards Handbook created by the NHDOE, the District must assure that it is providing the current publication to the parent:  <https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-support/special-education/laws-rules-policies> | <List Document names & locations> | <#s> |
| **Participation in LRE** | Each public agency shall ensure:  1. That to the maximum extent appropriate, consistent with the provisions of 20 U.S.C. 1400 et seq., children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled;  2. That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.  SOURCE OF DOCUMENTATION  1. Written procedures used by district placement teams for determining student placements from the local special education application.  2. Forms used to document the placement decision, the process by which it was reached, and the information on which it was based. | <List Document names & locations> | <#s> |
| **Participation in State & District Wide Assessment** | Each application must include procedures which ensure that the LEA complies with the provisions of 20 U.S.C. 1400 et seq.  SOURCE OF DOCUMENTATION  1. Written procedures to include students with disabilities in general State and District-wide assessment programs with appropriate accommodations if necessary. Provide evidence of the inclusion of all students with disabilities in the New Hampshire Educational Assessment Program.  2. Written procedures for including the number of children in the district enrolled in the grade levels being assessed. Include the number of students with disabilities who completed all portions of the assessment program and the number of students with disabilities who completed specific portions of the assessment program.  3. Include the district guidelines for the students with disabilities who met the criteria and who participated in the alternate assessment form of the State and District-wide assessment program.  4. Written procedures from the school board policy manual that address the inclusion of students with disabilities in general state and district–wide assessment programs. | <List Document names & locations> | <#s> |
| **Parent Participation with Special Education Process** | New Hampshire Department of Education, Bureau of Student Support  Each application must include procedures to ensure that, in meeting the goal under the provisions of 20 U.S.C. 1400 et seq. (full education opportunity goal) the LEA makes provision for participation of and consultation with parents or guardians of children with disabilities.  SOURCE OF DOCUMENTATION  1. Written procedures for including parents in the special education process from the local special education application.  2. Written policies and procedures that address the participation of parents of students with disabilities in the special education process.  3. Forms used to document parental participation (e.g., notice of meetings, records of attendance at meetings, logs of phone contacts with parents, etc.).  4. Handbooks and manuals developed for parental use, which explain their role in the special education process. | <List Document names & locations> | <#s> |
| **Full Educational Opportunity Goal** | Each application must include documentation which provides equal educational opportunities to all children with disabilities.  SOURCE OF DOCUMENTATION  1. Written documentation that support the assurance that the school district complies with the goal of providing full educational opportunity to all children with disabilities, aged birth through 21.  2. A detailed, written timetable for accomplishing the goal above. | <List Document names & locations> | <#s> |
| **Compliance with the McKinney-Vento Homeless Education Assistance Improvement Act** | Each application must include documentation which ensures access to a free, appropriate public education (FAPE) for children who are experiencing homelessness.  SOURCE OF DOCUMENTATION  1. Written documentation that reinforces the timely assessment, appropriate service provision and placement, and continuity of services for children and youth with disabilities who experience homelessness and high mobility.  2. Policies and procedures consistent with the McKinney-Vento Act that children who experience homelessness and high mobility have access to programs and services including special education services, preschool services, and before - and after-school care.  3. Written documentation of the appointment of a local homeless education liaison in the school district to ensure that homeless children and youth are identified and given full and equal access to all educational services for which they are eligible in order to succeed in school. | <List Document names & locations> | <#s> |