**<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>