

**<Private Provider>**

# **Special Education Procedures Plan**

**<DATE REVISED>**

# Administration

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## **Special Education Procedures Plan**

### **Based on Ed 1114.04(b)**

This Special Education Procedures Plan (Plan) describes <Private Provider> procedures regarding the provision of providing special education and related services to children with disabilities. The Private Provider 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 SEA that the Private Provider has procedures to meet the requirements of the Standards for Approval of Private Providers of Special Education and Non-LEA Programs (Ed 1114).

This Plan is aligned with 34 CFR Part 300 of the Individuals with Disabilities Education Act Final Rules - 8/14/06 (IDEA 2004), The New Standards for the Education of Children with Disabilities, Effective March 24, 2017, Amended June 14, 2018, Amended August 9, 2018, Amended April 10, 2020 (NH Standards), and RSA 186-C.

# **Administration**

## **Ed 1114.04(e)**

### **Philosophy, Purpose, and Program Orientation**

*<Please include the written statement specifying philosophy, purposes, and program orientation and describing both short and long-term aims. The statement shall identify the types of services provided and the characteristics of the children to be served by the program. Please include that the statement of purpose shall be available to the public on request>*

# **Confidentiality of Information**

## **Ed 1114.04(c), Ed 1119.01**

### **Confidentiality**

<Private Provider> 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 implementing regulations in 34 CFR Part 99 and the Individuals with Disabilities Education Act (IDEA 2004; 34 CFR 300.610-627).

### **Retention and Destruction of Special Education Records**

<Private Provider> will not destroy a student's special education records prior to the student's 26th birthday, except with prior written consent of the parent or, where applicable, adult student, pursuant to 34 CFR 300.624(b).

<Private Provider> may destroy a student's special education records prior to the student's 26th birthday if all of the student's records or copies of such records have been sent to the most recent LEA of record.

<Private Provider> may retain and store the student's special education records in electronic form or any other form.

<Private Provider> will provide a parent or adult student a copy of its document destruction policy upon the student's discharge from the private provider of special education.

### **Access Rights**

<Private Provider> permits parents to inspect and review any education records relating to their children that are collected, maintained, or used by the Private Provider, including:

- Complying with a request without unnecessary delay and before any meeting regarding an IEP, and in no case more than 45 days after the request has been made.
- The parent's right to a response from the Private Provider to reasonable requests for explanations and interpretations of the records.
- The parent's right to request that the Private Provider provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and the right to have a representative of the parent inspect and review the records.

<Private Provider> may presume that the parent has authority to inspect and review records relating to his or her child unless the <Private Provider> has been advised that the parent does not have the authority under applicable State Law governing such matters as guardianship, separation, and divorce.

**Record of Access**

<Private Provider> keeps a record of parties obtaining access to 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 on More than One Child**

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

**Consent**

< Private Provider> obtains parental consent before personally identifiable information is disclosed to parties, other than officials of participating agencies unless the information is contained in education records, and the disclosure. Parental consent is not required before personally identifiable information is released to officials of participating agencies.

Parental consent, or the consent of an eligible child who has reached the age of majority under State law is obtained by <Private Provider> before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with 34 CFR 300.321(b)(3).

**Safeguards**

<Private Provider> protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

<Private Provider> ensures that all persons collecting or using personally identifiable information has received training or instruction regarding the State's policies and procedures pursuant to 34 CFR 300.623(c).

<Private Provider> maintains, for public inspection, a current list of the names and positions of those employees within the program who may have access to personally identifiable information.

<Private Provider> employee who is responsible for ensuring the confidentiality of any personally identifiable information is:

<NAME>

# Program Requirements

## Ed 1114.05

### Admissions

*<Provide the program's description of admissions policies and criteria that are provided to all placing agencies and are available to parents of any child referred for placement. Please include:*

- *Policies and procedures related to intake*
- *The age and sex of children in the program*
- *The needs, problems, situations, or patterns best addressed by the program*
- *Any other criteria for admission*
- *Criteria for discharge*
- *Any preplacement requirements for the child*
- *Accessibility to educational materials>*



# **Responsibilities of Private Providers of Special Education**

## **Ed 1114.06**

### **Responsibilities of Private Providers of Special Education or Other Non-LEA Programs in the Implementation of IEP**

<Private Provider> ensures that the sending district is contacted regarding any possible changes and/or modifications in the identification, evaluation, development and/or revision of an IEP or placement for students with disabilities in accordance with Ed 1109.05.

<Private Provider> will provide all transportation required for the implementation of any IEP, or portion of any IEP, which the program has agreed to implement.

<Private Provider> ensures that daily lesson plans shall be clear, concise, and reflective of the IEP goals for each child. They shall reflect any staff input and related reports and evaluations provided by the agencies responsible for the student's education and welfare.

If <Private Provider> determines that any child with a disability placed at the program is not making progress toward meeting his or her IEP goals at the rate anticipated, the program shall immediately contact the LEA for the purpose of reviewing the IEP and considering modifications.

# Behavioral Interventions

## Ed 1114.07, Ed 1114.08 & RSA 126-U

### Behavioral Interventions

*<Provide the program's policies and procedures for managing student behavior as well as how and when/ under what circumstances the sending LEAs and parents are informed of these policy/procedure pursuant to ED 1114.07(b).>*

*Include how and under what circumstances seclusion or restraint is used.*

*Provide the procedures based on state and federal law concerning the reporting of suspected instances of child abuse pursuant to RSA 169-C:29.>*

*<Private Provider>* provides these policies and procedures to the parent, guardian, or legal representative of each child.

*<Private Provider>* does not employ any measure which is aversive in nature or which subjects a child with a disability enrolled in that program to humiliation or unsupervised confinement or to abuse or neglect as defined in RSA 169-C, the Child Protection Act, or which deprives the child of basic necessities such as nutrition, clothing, communication, or contact with parents, so as to endanger the child's mental, emotional, or physical health consistent with Ed. 1114.07.

*<Private Provider>* does not employ any of the following aversive and deprivation behavioral interventions:

- Any procedure intended to cause physical pain,
- Aversive mists, noxious odors, and unpleasant tastes applied by spray or other means to cause an aversive physical sensation,
- Any non-medical mechanical restraint that physically restricts a student's movement
- Contingent food/drink programs,
- Electrical stimulation,
- Placement of a child in an unsupervised or unobserved room from which the child cannot exit without assistance, and
- Physical restraint, unless in response to a threat of imminent, serious, physical harm.

All crisis or emergency intervention procedures shall be included in the student's IEP and shall comply with Ed 1114.07 and RSA 126-U:5.

# **Qualifications and Requirements for Instructional, Administrative and Support Personnel**

## **Ed 1114.10 & Ed 1114.11**

### **Qualifications and Requirements for Instructional, Administrative, and Support Personnel**

*<Describe the procedures for supervising and evaluating the performance of all staff members.*

*Provide a description of the written plan for in-service and pre-service training of staff, in accordance with Ed 500 Certification standards.>*

### **Employee and Volunteer Background Investigations**

*<Private Provider>*, for any individual providing direct services to the student pursuant to Ed 1126.05, will complete a background investigation, consistent with the provisions of RSA 189:13-a, prior to a final offer of employment.

# Change in Placement or Termination of Enrollment

## Ed 1114.12

### Placement meetings

If <Private Provider> believes it can no longer implement a child's IEP or provide FAPE <Private Provider> will immediately convene or request the convening of the IEP team to review the program's concerns and to amend the IEP and placement, if necessary.

An IEP meeting convened under Ed 1114.12 shall:

- Review the child's needs;
- Determine whether the current IEP meets the needs of the child and, if appropriate, propose changes to the IEP;
- Review the child's current placement; and
- Determine whether the placement can fully implement the child's IEP and provide FAPE.

If <Private Provider> wishes to suspend or expel a child, <Private Provider> shall immediately inform the LEA. The LEA shall comply with the disciplinary procedures in 34 CFR 300.530- 34 CFR 300.536.

# Physical Facilities

## 1114.16

### **Physical Facilities**

*<Private Provider>* ensures that the grounds and all structures on the grounds of the program are maintained in good repair and are free from any danger to health or safety.

*<Provide the written schedule of maintenance and housekeeping activities to ensure that the grounds and facilities are safe and promote the health of children enrolled in the program.*

*Provide the policy that ensures that bathrooms, classrooms and other areas where children spend time are regularly cleaned to maintain health and sanitation.*

*Provide the program's procedures to protect children from hazards such as:*

*The presence of asbestos,*

*The presence of lead paint,*

*Storage of hazardous materials,*

*Garbage disposal,*

*Vermin infestation,*

*Storage of food,*

*Storage of medicines,*

*Any unsafe access to electrical, plumbing, and heating systems>*

# Health and Medical Care

## Ed 1114.18

### **Health and Medical Care**

*<Provide the program's written procedures to ensure that children with disabilities receive prompt and competent medical attention in the event of injury or illness while at the program or while participating in any program or activity while in the custody of the program. Include a statement that the program provides training to staff in first aid, including the administration of CPR.*

*Provide the program's policies and procedures for the use and administration of medicine to children that are only dispensed under medical order. Include a statement for maintaining locked storage space for prescription drugs which shall be only accessible to persons authorized to dispense them.>*

*<Private Provider>* ensures that when a child has an illness that is contagious or poses a health threat to other children enrolled in the program, *<Private Provider>* immediately notifies the child's parents, the sending LEA, the Department, and the Bureau of Communicable Disease Control of the Department of Health and Human Services.

*<Private Provider>* ensures that in the case of an accident injuring a child, *<Private Provider>* will immediately notify the child's parent(s), the sending LEA, the Department, and the local law enforcement agency.

*<Private Provider>* ensures that in the case of a death of a child, *<Private Provider>* will immediately notify the child's parent(s), the sending LEA, the Department, and the local law enforcement agency.

# **Photography and Audio or Audio-Visual recording**

**1114.20**

## **Photography and Audio or Audio-Visual Recording.**

*<Provide the program's policies and procedures regarding the photographing and audio or audio - visual recordings of children in care. >*

# Emergency Planning and Preparedness

## Ed 1114.21

### **Emergency Planning and Preparedness**

*<Provide the programs' procedures, developed with the assistance of state or local fire safety personnel, for staff and children to follow in the case of the emergency. Include provisions for the evacuation of buildings and assignment of staff during emergencies.>*



# **Non-Discriminatory Testing Practices**

## **Ed 1126.02(b)**

### **Non-Discriminatory Testing Practices**

*<Provide the program's policies and procedures regarding non-discriminatory testing practices. >*