

SPIRO PUBLIC SCHOOL DISTRICT

SPECIAL EDUCATION POLICY

August 2023

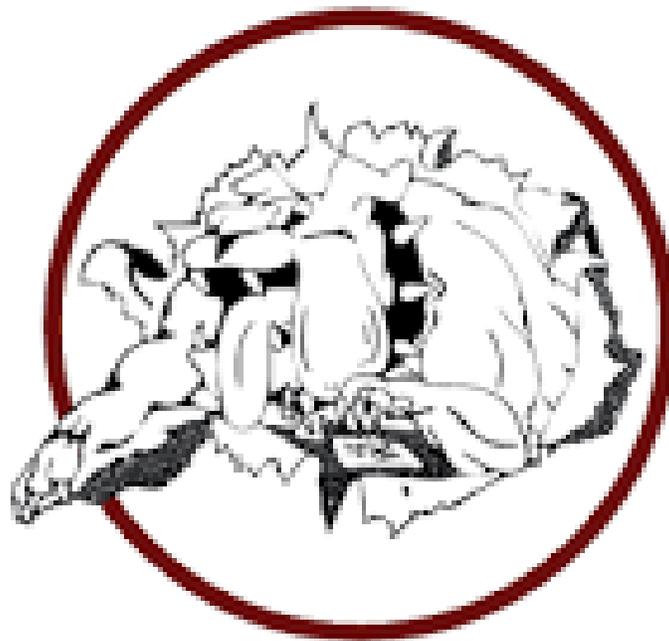


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SPECIAL EDUCATION POLICY

SPIRO PUBLIC SCHOOL DISTRICT

The Spiro Public School Special Education Services operates under the Spiro Public School Board Policy. The Spiro School District shall provide a Free and Appropriate Public Education (FAPE) for all eligible children with disabilities within the school district. The district shall comply fully with state and federal laws and regulations regarding special education. The education of students with disabilities will occur in compliance with each student's Individualized Education Program (IEP). The district provides a wide range of programs and services for students with disabilities, from ages 3 through 21 years (BIRTH - 3 years of age is provided through SOONERSTART services). Once a child or young adult is identified as eligible for special education, the district provides an education that is specially designed to meet the student's unique needs and ultimately aimed at preparing the student for a post-high school education/training, employment, independent living, and community participation. Special education is provided at no cost to the student or parent.

Special education must conform to the student's Individualized Education Program (IEP). An IEP is a written plan for a child with a disability that includes specific information about areas needing additional or special support and the services that will be provided. The IEP is developed by a team of individuals responsible for developing, reviewing, or revising the IEP and includes the parent, a special education teacher, a general education teacher, a district representative, and the student (when appropriate).

CONFIDENTIALITY / FERPA

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records regarding personally identifiable information. For more information on FERPA, please contact the Special Services office or you can visit the U.S. Department of Education Law and Guidance Center <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Special Education Records

A signed parental consent release is required for special education and related records. Please forward special education records received to the Special Education Director for distribution to the appropriate Special Education Teacher of Record. Please leave a message at (918) 962-0277 or fax a records request to (918) 962-4002.

CHILD FIND

The purpose of this policy is to state the intention of the Spiro Public School district to fulfill its responsibility to establish and implement an ongoing Child Find system to locate, identify and evaluate students ages 3 through 21 years, who are suspected of having a disability and may need special education, regardless of the severity of the disability, and coordinate with SoonerStart Early Intervention Program regarding the Child Find a system for children ages birth to 3 years of age.

The District's Child Find system will include all children within the District's geographic boundaries. The District will coordinate with other agencies and promote public awareness to locate children who may have a disability. The District will take the appropriate and necessary steps to ensure that District staff and the general public are informed of:

- The availability of special education services;
- A student's right to free appropriate public education;
- Confidentiality protections; and
- The special education referral process.

PROGRAMS AND SERVICES

The Spiro School District offers various programs and services available to all students who meet state eligibility criteria for special education services and are being served on an Individualized Education Program (IEP). This continuum includes specially designed instruction, accommodations, modifications, and related services in general education, special education, and/or community environments.

Students with disabilities are to be educated in the Least Restrictive Environment (LRE), meaning they should be educated with students without disabilities, to the maximum extent they are allowed by their disability. Specially designed instruction addresses the unique needs that result from the student's disability and ensures access to the general curriculum so that the student can meet the educational standards of the school district or other public agency that apply to all students.

Special education personnel, school administrators, and building counselors determine specific course availability based on an analysis of individual student needs and student populations. Classes will be assigned based on individual student needs and the IEP process.

Elementary Programs and Services

The District provides services to students in Pre-Kindergarten (ages 3-4 years) through 5th grade with disabilities as identified by the Individuals with Disabilities Act (IDEA), Part B. These programs and services may include:

- Academic Support in General Education Classrooms
- Academic Support in Special Education Classrooms
- Direct Instruction in Special Education Classrooms
- Social and Emotional Support
- Behavioral Support
- Occupational/Physical Therapy
- Speech and Language Therapy

Secondary Programs and Services

The District provides services to students in middle and high school with disabilities as identified by the Individuals with Disabilities Act (IDEA), Part B. These programs and services may include:

- Academic Support in General Education Classrooms
- Academic Support in Special Education Classrooms
- Social and Emotional Support
- Behavioral Support
- Occupational/Physical Therapy
- Speech and Language Therapy

HEALTH SERVICES

Our Certificated School Nurse provides health and medical consultation for all students as well as participates in the building of child study/multi-disciplinary teams when appropriate. The School Nurse serves as the 504 Coordinator. School Nurses spend their days:

- Coordinating information related to medical and health concerns.
- Developing a plan for students.
- Facilitating medical procedures for students.
- Managing cases for medically involved students.
- Contributing nursing assessments as a part of the Special Education evaluation process.

For more information about Health Services:

School Nurse
(918) 962-5186

OCCUPATIONAL THERAPY / PHYSICAL THERAPY

The Spiro Public School district contracts with an outside agency to provide Occupational and Physical Therapy services to special education students who qualify for these services. The staff:

- Evaluate and assess the educational implications of movement dysfunction, muscle tone/strength, postural alignment/responses, sensory-motor dysfunction, range of motion, balance, coordination, dexterity, respiratory function, and reflex integration.
- Evaluate and assess orthotic, prosthetic, and adaptive equipment needs; modify or create adaptive equipment, splints, and furniture.
- Provide direct small-group or 1:1 therapy either in-class or pull-out at the school of attendance or in an OT/PT treatment room.

- Consult with staff, medical personnel, and parents regarding educational programming, equipment adaptations, environmental modifications, and disability information.

SPEECH AND LANGUAGE THERAPY

This department provides support for students with speech, language, and hearing concerns (ages 3 to 21 years). Services are provided to students in a variety of ways, including but not limited to the following: individual, small group, in-class support, consultation with classroom and learning support to teachers, problem-solving teams, and disability evaluation teams. SLP provides screenings and evaluations, checks communication-related equipment (e.g., iPads, hearing aids, amplification devices, and other communication-related assistive technology), assists students in monitoring their equipment, and provides support for classroom teachers.

LEARNING SUPPORT

The Special Education Teachers serve Special Education students, 3 through 21 years of age in the District. The program provides "specially designed instruction" to students in general education classrooms or learning support classrooms. The targeted areas include core academics, study skills, and/or behavior management as determined by the student's IEP team.

Special Education Teachers design and/or monitor specially targeted instruction to meet individual student needs. They also consult and collaborate with general classroom teachers, specialists, and IEP teams regarding curricular accommodations or modifications, learning styles, and means of assisting students within general education settings.

EVALUATION PROCESS

Any student between the ages of 3 and 21 years, who has not graduated from high school and who resides within the school district, may be referred for a suspected disability. The referral process begins when a teacher, parent/guardian, and/or agency identifies a student in the general education program who is perceived as having a

suspected disability. The teacher, parent, student, and/or agency making the referral shall have made every effort to assist the student and resolve the problem through extensive interventions over time.

Members of the evaluation team must substantiate a rationale for an evaluation. During this time, team members will complete a file review, contact with a referring source, and review past and present interventions. If formal interventions have not been done over time, they should be instituted during this pre-referral time.

It is important to note that parent(s)/guardian(s) must be notified and offered an opportunity to participate in all meetings concerning the identification, evaluation, educational placement, and provision of free and appropriate education for the student. Interpreters are available if needed.

The evaluation team determines if the student is eligible and requires specially designed instruction. The evaluation report should be sufficient in scope to develop an Individualized Education Program (IEP).

Re-evaluation

A re-evaluation occurs by law every three years or earlier if requested by the student's parent/guardian, teacher, or other authority. A re-evaluation occurs to determine the continuing need for special education services.

Rationale for reevaluation:

- Three-year requirement
- Parent/guardian or school request
- Change of category
- Change in placement
- Change in services
- Termination of services

INDEPENDENT EDUCATIONAL EVALUATIONS

An Independent Educational Evaluation (IEE) means one or more individual evaluations, each conducted by a qualified examiner who is not employed by the LEA responsible for the education of the student in question.

A parent and/or adult student has the right to obtain an IEE at public expense if they disagree with an evaluation obtained or conducted by the LEA. Parents are not entitled to an IEE at public expense before they allow the LEA to conduct its own evaluation. The LEA will provide the parents with a list of qualified examiners; parents may choose from the list or select their own qualified examiner to conduct the IEE based on the LEA's IEE criteria.

- The parent and/or adult student is entitled to only one IEE at public expense for each LEA evaluation.
- The parent and/or adult student has the right to an IEE at their own expense at any time, and the MEEGS group or IEP team must consider the results of each individual assessment completed when presented to the LEA.
- The LEA may file a due process complaint, without undue delay, to determine if the evaluation the LEA conducted is appropriate. If the final decision of a hearing officer, or a court of law's decision on an appeal, is that the evaluation conducted by the LEA was appropriate, the parent and/or adult student still has the right to an IEE but at their own expense. Conversely, a hearing officer may order an IEE at public expense if they determine that the evaluation conducted by the LEA was not appropriate.

Procedures for Requesting an IEE

If a parent and/or adult student requests an IEE at public expense, the LEA may ask why they disagree with the evaluation obtained by the LEA, but the LEA cannot require an explanation. The LEA must give the parent and/or adult student the criteria under which an IEE may be obtained.

Spiro Public School District's IEE Criteria

- The location for the evaluation may be on school premises;
- The Spiro School District will provide a list of qualified examiners who are not employees of the district.
- The qualified examiner must be a Certified School Psychologist or Certified School Psychometrist as documented in the OSDE-SES EVALUATION & ELIGIBILITY HANDBOOK under the Guide for Professional Evaluators;
- The eligibility requirements for the specific disability categories must be data-driven;
- Reasonable cost containment criteria do not exceed 25% above the average assessment cost.

LEA Responsibilities Following IEE Requests

If a parent and/or adult student requests an IEE at public expense, the LEA must do one of the following without unnecessary delay:

1. Provide the LEA's IEE criteria and information about where an IEE may be obtained;
2. Request a due process hearing without undue delay to show that the LEA's evaluation is appropriate.

Consideration of the IEE Results

If a parent and/or adult student obtains an IEE and makes that evaluation available to the LEA, the results ***must be considered*** by the LEA in any decision made with respect to the provision of a FAPE, identification, eligibility, or educational placement. If the IEP team determines, upon consideration of the IEE, that the results of the IEE do not necessitate a change to eligibility or provision of services for a student, the LEA should provide an explanation of that determination to the parent in a Written Notice. The results of an IEE cannot be the sole determining factor for eligibility. The evaluation group has the responsibility to use existing evaluation data in addition to the IEE to determine whether a student has or continues to have a disability under the IDEA.

The Spiro School District will acknowledge and provide special education eligibility and services as determined by the IEP team members. The school district shall not incur additional costs for services or programs resulting from or recommended by the IEE.

PERIODIC PROGRESS REPORTS

Periodic reports on the progress a child is making toward Individualized Education Program goals must be provided to the parent/guardian at least annually. More frequent reporting would be determined by the Individualized Education Program team based on the child's specific individual needs.

DISCIPLINE GUIDELINES

From the OSDE website:

Chapter 15. Curriculum and Instruction

Subchapter 13. Special Education

210:15-13-9. Guidelines for minimizing seclusion and restraint of students [NEW]

[Text of adopted rule](#)

[Rule Impact Statement](#)

Open the "Text of adopted rule" above to see the entire rule. This is the corporal punishment information from the rule:

(a) Definitions. The following terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Corporal punishment” means, as defined in 70 O.S. § 13-116, the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.

(d) Corporal punishment of students with disabilities not authorized. For all students, the State Department of Education strongly encourages Oklahoma schools to implement disciplinary policies and practices that use evidence-based, developmentally appropriate methods informed by an awareness that many students have endured Adverse Childhood Experiences (ACEs) and related trauma. As applied to students with disabilities entitled to special education services under the Individuals with Disabilities Education Act (IDEA), the use of corporal punishment by employees or agents of an Oklahoma public school is prohibited beginning in the 2020-2021 school year.

(e) Incident reporting. Each incident of seclusion, restraint, or corporal punishment of a student with disabilities shall be reported immediately to a school site administrator and documented using the statewide online IEP reporting system. A copy of the documentation shall be placed in the student’s file and provided to the student’s parent(s) or guardian(s). For each incident of seclusion, restraint, or corporal punishment of a student, the student’s parent(s) or guardian(s) shall be notified as soon as possible, and must be notified no later than the school day following the incident or within twenty-four (24) hours of the incident, whichever is first. An IEP meeting may be needed to review or implement a Behavior Intervention Plan (BIP) for the student.

(f) End-of-year reporting. At the end of each school year, and no later than June 30th, each school district or charter school shall report to the State Department of Education (OSDE) Office of Special Education Services information regarding all incidents of seclusion, restraint, or corporal punishment of a student with disabilities within the district during the school year that just closed. The end-of-year summary report shall include the total number of each type of incident, as well as the number and type of incidents associated with each student to whom seclusion, physical restraint, or corporal punishment was applied. This information will be used to identify districts in need of additional support, training, and guidance in the areas of conflict de-escalation, crisis

intervention, Functional Behavior Assessments, the possible effects of seclusion and restraint, and effective behavior intervention planning.

PROCEDURAL SAFEGUARDS: PARENT AND STUDENT RIGHTS

The Individuals with Disabilities Education Act (IDEA) requires schools to provide parents/guardians of students who are eligible or referred for special education with a full explanation of their rights. School districts must provide a copy of the Procedural Safeguards at least once each school year or when the parent/guardian or others, including the district, request that a student be evaluated to determine eligibility for special education services, a change of placement; or upon request.

For more information, please contact:

Stacy Walker, Special Education Director 918-962-0277