IHBAA-R (PROCEDURE)- REFERRAL/ PROCEDURES AND GENERAL EDUCATION INTERVENTIONS

The Cape Elizabeth School Department shall refer to the Individual Education Program (IEP) Team all school age students suspected of having a disability that requires special education and related services. Referrals to the IEP Team may be made by a child's parent, by professional school staff, or by others with knowledge of the child. Referrals should be made and processed consistent with these procedures.

I. Referrals by Parents

A parent may refer his or her child to the IEP Team at any time. That referral shall be made in writing directly to the office of the Director of Special Services. Should the parent seek to make a referral through other professional staff (such as teachers, guidance counselors, or administrators), that professional staff member shall directly assist the family in making the referral in writing to the office of the Director of Special Services. Should a parent attempt to make a referral orally, professional staff shall assist the parent in reducing that referral to writing and submitting it to the office of the Director of Special Services

A parent referral shall be processed consistent with these procedures and governing timelines even if the child is receiving interventions pursuant to the school department’s general education interventions. Those pre referral procedures shall continue during the referral process, however.

II. Referrals by Staff

Any professional employee of the school unit may refer a child to the IEP Team regardless of the results of initial child find activities, but only after completion of any general education intervention process used by the school unit. The school unit may move directly forward with the referral process in those circumstances where the school unit and parent agree to do so. Even in that situation, however, general education interventions will continue during the referral process.

Professional school staff shall prepare a referral in writing and shall submit that referral directly to the office of the Director of Special Services.

III. Referrals by Others

Individuals or agency representatives (including representatives of the Department of Health and Human Services) with knowledge of the child may refer that child to the IEP Team regardless of the results of initial child find activities but only after completion of any general education intervention process used by the school unit. The school unit may move directly forward with the referral process in those circumstances where the school unit and parents agree to do so. Even in that situation, however, general education interventions will continue during the referral process.

Should such a person attempt to make a referral orally, professional staff shall assist that person in reducing that referral to writing and submitting it to the office of the Director of Special Services.

IV. Receipt of Referral

Regardless of the source of the referral, a referral is received by the school unit on the date that the written referral is received by the office of the Director of Special Services It shall be signed and dated by the Special Services Director/designee, thereby indicating the date of the receipt of that referral.

V. Time Line for Processing Referral

Once the referral has been received in the office of the Director of Special Services, the IEP Team shall review existing evaluation data and determine the need for additional evaluations. The IEP Team may conduct its review without a meeting. If additional evaluations are needed, a "consent to evaluate" form must be sent to the parent/guardian within 15 school days of receipt of the referral. Also upon receipt of the referral (from any source), a written notice form documenting that referral shall be sent to the parent/guardian.

Once the office of the Director of Special Services receives the signed consent for evaluation back from the parent, the local unit shall have 45 calendar days to complete the evaluation and to hold an IEP Team meeting to determine whether the student qualifies for special education services. If the student is identified as a child with a disability in need of special education, the Team should develop an IEP for that child either at that same meeting or within 30 calendar days of determining that the student is eligible.

The local unit shall implement the IEP as soon as possible following the IEP Team meeting when the child is found eligible, but no later than 30 calendar days after that meeting.

VI. Transfer Students

Students who have already been identified as in need of special education services and who transfer into the school unit from another school unit within Maine (and who had an IEP that was in effect in a previous school unit in Maine) shall, on enrollment and in consultation with the parent/guardian, be provided with FAPE (including services comparable to those described in the child's IEP from the previous school unit) until the local unit either adopts the child's IEP from the previous unit or develops, adopts, and implements a new IEP.

Students who have already been identified as in need of special services and who transfer into the school unit from another school unit from outside of Maine (and who had an IEP that was in effect in a previous school unit in another state) shall, on enrollment and in consultation with the parent/guardian, be provided with FAPE (including services comparable to those described in the child's IEP from the previous school unit) until the local unit conducts an evaluation (if determined to be necessary by this school unit) to determine whether the student is eligible for special education and, if so, develops, adopts, and implements a new IEP.

If the transfer student's current IEP from his or her prior school unit is not available or is believed to be inappropriate by either the parent/guardian or the school, the local unit should develop a new IEP through appropriate procedures within a short time after the student enrolls at the school.

If a child transfers into the school unit after the referral timeline has begun in the previous school unit but before an eligibility determination has been made, the timeline referenced above for completing that process shall not apply if the local unit is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and school unit agree to a specific time when the evaluation will be completed and the eligibility decision made.

General Education Interventions

General education interventions are general education procedures involving regular benchmark assessment of all children, using curriculum based measurements, to monitor child progress and identify those children who are at risk of failing. Children who are at risk receive responsive interventions in the general education program that attempt to resolve the presenting problems of concern. General educators are encouraged to confer with specialists and teaching professionals, but general education personnel are responsible for the implementation of the intervention.

Cape Elizabeth School Department shall implement general education interventions. These interventions shall include:

a. Documentation that every child, prior to entering the general education intervention process, was provided with appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of

the Elementary and Secondary Education Act of 1965 (ESEA), appropriate mastery based instruction in math, appropriate instruction in the writing process, and positive behavioral supports;

b. A team-based decision-making process;

c. Screening at reasonable intervals to determine whether all children are progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements;

d. Data Analysis of screening results focusing on determining to what extent all children are progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements and identifying which children are not making adequate progress towards these goals and are in need of targeted general education interventions;

e. A determination as to whether a child's assessed difficulties are likely the result of linguistic or cultural differences;

f. Provision of research-based general education interventions targeted at the child's presenting academic and/or behavioral concerns as determined by screening results;

g. Repeated formative assessments of student response to targeted interventions, conducted at reasonable intervals, that generate rate based measurable data for both specifying academic and behavioral concerns and monitoring child progress during general education interventions;

h. Documentation that parents were notified about the process, given the opportunity to participate in instructional decision-making, and kept informed of their child's progress during targeted general education interventions;

i. A team shall review the child's progress no later than 60 school days after the start of formal general education interventions and approximately every 30 school days thereafter. At each meeting the team shall review data on the child's progress to determine if modifications to the general education interventions are needed and/or if a referral to special education is indicated: and

j. Provisions for targeted general education interventions to continue during any subsequent special education referral.

The parent of a child receiving general education interventions may request that the agency conduct a full and individual evaluation for possible special education eligibility determination at any time during Cape Elizabeth School Department's established general education intervention process.

The general education interventions developed through this pre-referral process shall continue in the event of a referral while the referral is being handled by the IEP Team, and the resulting data shall become part of the child's special education file.

Legal Reference

- Maine Department of Education Reg. Ch. 101, §§ II(16), III, IV(2)(D), (E), V(4)(A) (July 2015)

Cross Reference:

- IHBAC - Child Find
- IHBAA - Referral and General Education Interventions

Adopted:

- April 8, 2008

Approved for deletion:

- January 14, 2014

Adopted:

Revision #5
Created 26 October 2021 20:08:49 by Troy Patterson
Updated 3 July 2023 14:01:48