

MESSALONSKEE SCHOOL DISTRICT (MSAD 47)

File: IHBA

SPECIAL EDUCATION

The Messalonskee School District (MSAD 47) shall comply with and implement the federal Education for All Handicapped Children Act (P.L. 94-142, codified at 20 U.S.C. 1401 *et seq.*) and Title 20-A, chapters 301 and 302, of the Maine Revised Statutes, as supplemented by Chapter 101 of the Maine Department of Education Regulations. To that end, the Messalonskee School District (MSAD 47) shall provide a free appropriate public education to all exceptional students for whom the unit has legal responsibility who:

- A) have reached age 5 years on or before October 15 of the current school year;
- B) have not graduated from secondary school or reached 20 years of age before the start of the current school year (July 1);
- C) have an exceptionality as defined by the Maine Special Education Regulations that adversely affects their educational performance; and
- D) require the provision of regular and/or special education services and, if needed, supportive services in order that the student may benefit from an elementary or secondary educational program.

NOTE: A free appropriate public education shall be provided in the least restrictive educational alternative as determined by the student's Pupil Evaluation Team and set forth in his/her Individualized Education Program, all in accordance with the Maine Special Education Regulations.

REFERRAL TO PUPIL EVALUATION TEAM

The Messalonskee School District (MSAD 47) shall ensure that a special education referral process is in place for referring to the Pupil Evaluation Team those eligible students within the school unit's jurisdiction who may be in need of special education and supportive services. That process shall allow referrals by school staff, parents, and other interested parties with knowledge of the student's needs. Referral will be accepted by the building PET Chairperson and channeled to the Pupil Evaluation Team. This process will include the screening of "at risk" students as appropriate. These referrals will be acted upon in accordance with the Maine Special Education Regulations-Revised July 1988. A written copy of referral procedures will be in place at each school.

EVALUATION PROCEDURES

- A) Pre-placement evaluations shall be arranged by the Director of Special Services and provided at public expense.
- B) Data will be collected annually by the teaching staff to determine a student's progress and appropriateness of the current program and placement.
- C) A re-evaluation of each student who receives special education and supportive services shall be conducted every three years, or more frequently if the student's parent so requests or the Pupil Evaluation Team recommends such a re-evaluation. The Director of Special Services will arrange for the evaluation, determine the evaluator, and this evaluation will be provided at public expense.
- D) If the parent of a student disagrees with the results of an evaluation conducted or obtained by the Messalonskee School District (MSAD 47), they have the right to request in writing an

- E) independent educational evaluation of their child at public expense by an evaluator with appropriate certification in areas to be tested. The District will pay for that evaluation unless it believes its own evaluation was appropriate and will request a due process hearing to establish appropriateness. This evaluation shall be provided by an evaluator within the state and at rates commensurate to those charged by other evaluators in the region performing comparable testing. An out-of-state evaluation, whether independent or school ordered, will be approved by the school only when a comparable and appropriate evaluation cannot be obtained in Maine.

EXTENDED SCHOOL YEAR SERVICES

Pupil Evaluation Team determinations to provide extended school year services shall be made based on the likelihood that during school vacation periods a student is at risk of losing skills previously mastered and of being unable to recoup those skills within a reasonable time. The determination to provide special education beyond the normal school year will be made on an individual basis. Parents and teachers must observe a student's skills and adjustment prior to and upon return from school vacations to develop data to assist in this determination. In providing extended-year services, Messalonskee School District (MSAD 47) shall provide special education and related services to address only those areas of an exceptional student's Individualized Education Program in which that risk exists.

COMMUNICATION OF PROCEDURAL SAFEGUARDS

The Messalonskee School District (MSAD 47) shall provide a written procedural safeguard statement containing the information set forth in Maine Special Education Regulation 10.11 with each written notification required by the Maine Special Education Regulations.

EDUCATION RECORDS

To ensure compliance with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Education for All Handicapped Children Act of 1975 (P.L. 94-142), the Messalonskee School District (MSAD 47) shall comply with the requirements for access to and confidentiality of education records as stated in the district policy: File: JO, Student Records.

The Messalonskee School District (MSAD 47) shall permit parents, adult students, or their authorized representative to inspect and review any education records relating to their child which are collected, maintained, or used by the school under regulation 12.3.

The Messalonskee School District (MSAD 47) shall comply with a request for access without unnecessary delay and before any meeting regarding an Individualized Education Program or any due process hearing relating to the identification, evaluation, or placement of the student, and in no case more than 45 days after the request has been made.

A permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade and year completed, and the Individualized Education Program(s) and evaluation reports for the five years preceding the termination of services, shall be maintained without time limitations.

The school will give annual notice of this policy to parents.

USE OF THIRD PARTY FUNDING

Nothing in Maine Special Education Regulations (Chapter 101) or the regulations implementing the Education of All Handicapped Children Act (P.L. 94-142) is intended to relieve an insurer, Medicaid, or other third party, from an otherwise valid obligation to provide or pay for services to an exceptional student.

The Messalonskee School District (MSAD 47) may utilize any entitlement or insurance available to support the costs of the provision of special education and supportive services provided that the use of such insurance or entitlement is:

- A. voluntary on the part of parents; and
- B. at no cost to the parents.

SUSPENSION/EXPULSION OF EXCEPTIONAL STUDENTS

Maine law prohibits the suspension or expulsion of exceptional students for misbehavior related in "any way" to the student's exceptionality. Accordingly, if there is an exceptional student in your building who must be removed from his/her regular school program because of the severity of his/her behavior, please follow these procedures:

- I. If the student is seriously disruptive and out of control, and you are concerned that there is immediate risk of harm to the student or to others:
 1. Remove the student from the disruptive situation;
 2. Notify the special education director or designee to determine if the student's IEP addresses this situation;
 3. If the student is unable to calm down and the risk of harm continues, call the student's parents and request that they come into the school and assist in stabilizing the situation or take the student home either until he/she calms down or for the remainder of the day;
 4. If the parents are unable or unwilling to assist, keep the student in an area at school that minimizes the risk of harm, until such time that the situation stabilizes;
 5. If none of the above succeeds in bringing the student under control and the risk of physical harm continues, call the police to assist in stabilizing the situation.

- II. In the event that the student commits a suspendable offense under school rules or procedures:
 1. Call the special education director or designee to determine if the student's IEP addresses the particular situation;
 2. Determine how many days to date in the current school year the student has been removed from his/her educational program because of misbehavior;
 3. If the student has been removed from his/her regular school program for less than 10 total school days that year, and the IEP does not require otherwise, the principal in his/her discretion may:
 - a. order the student to receive out-of-school tutorial services (at home or elsewhere) in place of his/her regular program. The length of this order may not exceed 10 school days (minus the number of days that year the student has been ordered out of his/her school program for misbehavior);
 - b. order the student to receive tutorial services at school after school hours in place of his/her regular program, in accordance with the day limitations in (1) above;

- c. order the student to receive in-school tutorial services in place of his/her regular program, in accordance with the day limitations in (1) above;
 - d. order any combination of (1) through (3) that does not exceed 10 school days, in accordance with the day limitations in (1).
 4. Notify the Director of Special Services of the decision taken so that a PET meeting can be scheduled to review whether modifications are needed in the student's regular program to address the behavioral concerns.
 5. If the student has received 10 days of programming outside of his/her regular program as a result of misbehavior, no additional alternative services may be ordered for the current school year absent a prior PET determination to that effect.
 6. If the student has received or is approaching 10 days of programming outside of his/her regular program in response to the student's misbehavior, the principal should request a PET meeting to address additional behavioral interventions that may be employed once that 10 day limit has been reached. The PET may authorize the principal to order additional out-of-program services in response to particular misbehaviors as part of an overall behavior contract plan, and based on individual assessment of the student's needs.
- III. In the event that an exceptional student commits a suspendable offense for reasons that are not related in any way to the student's handicapping condition, the student may be suspended or expelled in accordance with the same principles that govern regular education students. Should the principal believe that an exceptional student has committed a suspendable offense in those circumstances and the principal wishes to proceed with suspension or expulsion, the following must first occur:
1. The principal must refer the student to a PET to address whether the conduct is related in any way to the handicapping condition.
 2. If the Team decides that the behavior is related to the handicapping condition, the principal is bound by that decision and must deal with the student accordingly (see II above).
 3. If the Team determines that the behavior is not related in any way to the handicapping condition, that determination shall be forwarded to the principal or superintendent who may the proceed with a suspension or expulsion in accordance with the District's regular procedures.
 4. If the student is expelled or suspended for more than 10 days, the Team shall meet to consider alterations in the student's program.
- IV. The principal remains free to employ other in-school disciplinary methods (such as time outs, loss of privileges, and detention) for exceptional students to the same extent as with regular education students, as long as the IEP does not specifically prohibit use of such methods.
- V. The District will comply fully with Maine Special Education Regulations 10.10 in implementing this policy.

GRADUATION

For exceptional students between ages 15 and 20, a student's Pupil Evaluation Team may make appropriate adaptations of the specific state and local graduation requirements to meet those unique skills and abilities that result from the student's exceptionality. The Pupil Evaluation Team shall specify those adaptations in the student's Individualized Education Program along with the projected date of graduation.

The Messalonskee School District (MSAD 47) shall inform, in writing, both the parent and, when appropriate, the student, that completion of the student's Individualized Education Program and consequent graduation constitutes a termination of eligibility for special education services.

MISCELLANEOUS

1. Hearing aides and auditory trainers will be checked daily by the teacher of the deaf, interpreter, classroom teacher, and/or school nurse.
2. Home/Hospital bound tutoring will be provided to special education students of the Messalonskee School District (MSAD 47) as stated in Maine Special Education Regulation 5.10 as follows:
2 hours of direct instruction per subject per week or a minimum of 10 hours direct instruction per week, whichever is greater.
Parents shall present a statement from their doctor that such instruction is recommended, anticipated length of tutoring, and reason student is not able to attend school.
3. The Messalonskee School District's (MSAD 47's) building Pupil Evaluation Team Chairpersons shall be given the authority to obligate the unit's human and fiscal resources and ensure the provision of the special education and supportive services specified in the student's Individualized Education Plan. On occasion the Director of Special Services or the Assistant Superintendent may assume this responsibility at a particular Pupil Evaluation Team meeting.

Date of Revision: April 24, 1991

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