

STUDENTS

Individuals with Disabilities - IDEA Compliance

The Okemos Public Schools shall comply with the provisions of the Individuals with Disabilities Education Act (IDEA), which requires among other things, that school districts offer eligible children with disabilities a free appropriate public education (“FAPE”).

A child is a “child with a disability” and entitled to a free appropriate public education if the child meets the eligibility criteria for one or more specified eligibility categories under IDEA and, as a result, requires special education or related services. Students with disabilities are not automatically eligible under the IDEA. Instead, eligibility is determined through an evaluation process.

Okemos Public Schools will develop an Individualized Education Program (IEP) for each eligible child with a disability in its jurisdiction that meets the procedural requirements of both the IDEA and Michigan law and that is reasonably calculated to provide the student meaningful educational benefit gauged in relation to the student’s potential.

The superintendent of schools shall designate an administrator to manage the district's efforts to comply with this policy and its regulations.

Legal Reference: Individuals with Disabilities Education Act:
20 United States Code (USC) §§ 1401 et seq.;
34 Code of Federal Regulations (CFR) 300.1 et seq

See Also: Board Policy 1329: Accessibility of School Facilities;
5122.2: Individuals with Disabilities-Section 504 Compliance

POLICY

Adopted: (formerly part of 5122.2; 01-11-93)

Amended: 6-10-13

Reviewed:

Regulations - Individuals with Disabilities

The District is responsible for locating children who may be eligible under the Individuals with Disabilities Education Act (“IDEA”), evaluating those children to determine if they are eligible, and offering eligible children a free appropriate public education.

1. To the extent consistent with state and federal law and the Ingham ISD Plan for the Delivery of Special Education, the District will take steps to locate children who are children with disabilities who may need special education or related services, including children who are homeless, who are wards of the state, who are advancing from grade to grade, who are highly mobile, who are attending nonpublic schools, or who are home schooled.
 - 1.1. The Ingham ISD assumes primary responsibility for child find activities and outreach for preschool children. The Ingham ISD Child Find Coordinator will be responsible for coordinating child find activities for children birth up to the age of 5.
 - 1.2. All local school districts will assume responsibility for in-school and out-of-school youth up to the age of 26 through the special education referral process.
2. The District will evaluate any child residing in its boundaries or enrolled in a nonpublic school located within its boundaries whom it believes may be a child with a disability who needs special education or related services.
 - 2.1 A child should be referred for a special education evaluation if the child is believed to be a child with a disability who needs special education or related services. A parent, school personnel, community agency, or the student may make the referral. Referral forms may be obtained from the school principal or the District’s special education administrator.
 - 2.2. Within 10 school days of its receipt of a referral, the District will review the student’s school records, including academic, social, medical, and behavioral records, and will either (1) provide the parent notice describing the evaluations it proposes to conduct and seek written parental consent to conduct the evaluation or (2) decline to evaluate. The District will send the parent prior written notice of its decision, as defined by the IDEA, within 10 school days of its receipt of a referral.
 - 2.3 If the District obtains written parental consent to evaluate, it will complete the evaluation and convene an IEP team meeting within 30 school days from the date it received written parental consent. Based on the evaluation data, the IEP team will determine whether the child is an eligible child with a disability

under the IDEA and, if so, will develop an IEP for the child. The District will provide the parent notice of the meeting and an invitation to attend. The District will provide the parent prior written notice of the IEP team's decision as required by the IDEA.

- 2.4 The District will complete a comprehensive reevaluation of an eligible child at least once every three years unless the parent and the District agree that a reevaluation is unnecessary. The District will complete a reevaluation sooner if either the parent or teacher requests or conditions warrant a reevaluation, except that the District will not complete a reevaluation more than once in a year unless the District and the parent agree that one is necessary. The District will make reasonable attempts to obtain written parental consent before completing a reevaluation. If the parent does not respond to the District's efforts to obtain consent, the District may proceed with the reevaluation without parental consent, in which case the District will complete the reevaluation and convene an IEP team meeting to consider its results within three years of the last evaluation. If the parent provides written parental consent, the District will complete the reevaluation and convene an IEP team meeting within 30 school days from the date it received written parental consent and within three years of the last evaluation.
- 2.5 As part of any evaluation or reevaluation, the District will review existing evaluation data on the child, including evaluations provided by the child's parents, current classroom-based, local, or state assessments and classroom-based observations, and observations by teachers or other service providers and, based on that review and input from the child's parents, will determine what additional data, if any, is needed to determine if the child is or remains eligible under the IDEA, the child's academic achievement and developmental needs, whether the child needs or continues to need special education or related services, and whether any additions or modifications are needed to enable the child to meet the child's IEP goals and to participate, as appropriate, in the general education curriculum.
- 2.6 The District will conduct all evaluations and reevaluations in a manner that complies with the IDEA and Michigan law and will ensure that the evaluation or reevaluation:
 - Is completed so that the IEP team can determine whether the child is eligible under IDEA and, if so, the child's education needs;
 - Includes a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information to determine (a) whether the child is eligible under IDEA, (b) the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum;

- Does not rely on a single measure or assessment as the sole criterion for determining eligibility or services;
 - Includes technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors;
 - Includes assessments and other evaluation materials that are (a) selected and administered so as not to be discriminatory on a racial or cultural basis; (b) provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to administer; (c) used for the purpose for which they are valid and reliable; (d) administered by trained and knowledgeable personnel; and (e) administered in accordance with any instructions provided by their producer;
 - Includes assessments and other evaluation materials that are tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
 - Includes assessments so as to best ensure that if the assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure);
 - Assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and
 - Is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the child's disability category.
3. The District will offer all eligible children with disabilities who reside within its boundaries, including children who have not failed or been retained in a course or grade, or who are advancing from grade to grade, a free appropriate public education ("FAPE"). A team of people who are knowledgeable about the child and who meet the requirements of the IDEA (an "IEP team") will develop an individualized education program ("IEP") for each eligible child that offers a FAPE. An IEP offers a FAPE if it is reasonably calculated to provide the child meaningful educational benefit gauged in relation to the child's potential. The District will ensure that, to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled and that children with disabilities will only be placed in a separate program or school if necessary due to the nature or severity of the disability and only

after a determination that placement in regular classes with the use of supplemental aides or services cannot be achieved satisfactorily.

- 3.1 The IEP team will include the child's parent; at least one of the child's regular education teachers; at least one of the child's special education teachers or providers; a District representative who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about the District's resources; a person who can interpret the instructional implications of evaluation results; and the child if appropriate. The IEP team may also include other individuals who have knowledge or expertise regarding the child.
 - 3.2. The District will convene a meeting of the IEP team to review and revise the child's IEP at least annually and more frequently if conditions warrant.
 - 3.3. The IEP will be developed to satisfy IDEA's procedural and substantive requirements.
 - 3.4. The District will provide the parent a copy of the IEP and prior written notice, as required by the IDEA, within seven school days from the date of the IEP team meeting.
 - 3.5 For the initial provision of services, the parent has ten school days after receipt the IEP to provide the District written parental consent to provide special education services.
4. The District has established and will implement procedural safeguards as required by the IDEA. A parent may obtain a copy of the procedural safeguards from the District's special education administrator. The District will provide a copy of the procedural safeguards to parents of eligible children at least one time per year and upon initial referral or parent request for evaluation, upon receipt of the first state complaint or due process hearing complaint in the school year, in accordance with IDEA's discipline procedures, and upon parent request.