

South Valley Policies
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Handbook (4)

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June 2012 Update

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.
- Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

FERPA and IDEA Record Keeping and Due Process Procedures

Student records are an essential part of the educational process. To serve this end, information about students which is required by law, necessary in accomplishing the educational goals of the school district, and important in promoting the welfare of the student is maintained by the school. The collection, maintenance, accessibility dissemination and retention of such information must be controlled by procedures designed to implement the primary task of the school while protecting individual rights of students and parents and preserving the confidential nature of various types of records that are maintained. To facilitate this process, the Superintendent shall implement procedures to comply with this policy, the Family Education Rights and Privacy Act, and the Individuals with Disabilities Education Act.

A cumulative record shall be kept on all students from grade K through 12 (and ages 18 – 21 as determined by the student's IEP team). This is a highly private record to be used only by the professional staff immediately concerned with the student's welfare. It shall also be made available to the student and his/her parents or guardians.

These student records may contain, but are not limited to: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health data, family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns.

Each principal shall be responsible for record maintenance and access within his or her building. All student records when not in use shall be kept under lock and key.

Parents, legal guardians and students of legal age (18 years or older) have the right to inspect and review the education records of the student. Requests to inspect and review shall be made to the building principal and the principal shall make an appointment within a reasonable time, (no more than 5 working days after the request has been made for students receiving special education services). The principal shall be present when the record is inspected and reviewed.

Parents, legal guardians or students of legal age (18 or older), may request amendment to educational records to ensure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein.

Parents, legal guardians, or students of legal age shall have the right to file an appeal to have items removed from the student's folder or record. This appeal will be filed with the school principal. The principal shall set a time and place for a private hearing and notify the requester in writing of the time and place. The hearing shall be held within three weeks of the request. At the hearing, the principal shall have in attendance the person(s) who entered the information in question. The person who requested the hearing shall have the right to ask questions of those present and to present evidence that would correct inaccurate, misleading or otherwise inappropriate information. The principal shall then determine whether the information in question shall be removed from the record. If the information in question is not then removed from the record, the parent may place a statement in the record that shall be retained as long as the information in question is retained.

The school shall not permit access to or release of student records to any individual, agency or organization other than school officials within the school, officials of other schools or school systems in which the student has enrolled, or officials of the state juvenile justice system except with the written consent of the parent or guardian or the student if 18 years or older. Disciplinary action taken against a student may be disclosed when the misbehavior poses a significant risk to the student or others.

The district will maintain directory information that will include name, address, phone number, date of birth, place of birth, participation in officially recognized activities and sports, weight and height of

members of athletic teams, dates of attendance, awards received, previous schools attended, and name of parents. The district will also publish an honor roll. For purposes of this policy, listing on the honor roll will be considered an award. The parent or legal guardian of a student has the right to refuse to permit the designation of any or all of the above categories as directory information with respect to that student. The Superintendent shall ensure that parents and legal guardians are notified of their rights under FERPA at the beginning of each year. The notice shall include the categories the district considers directory information and a procedure and deadline for refusing permission.

Three years after graduation or three years after the termination of the provision of educational services to the student, all but the Permanent Record Card may be destroyed. The Permanent Record Card shall contain only name, address and phone number, the student's record of grades, years enrolled, courses attended and grade completed. The Permanent Record Card shall be retained in perpetuity in the student's resident district.

The District shall notify the parents of children in special education when personally identifiable information collected, maintained, or used by the District are no longer needed to provide educational services to the child. South Valley's policy is 5 years. The contents of the student's Special Educational Services Record except for a permanent record of the student's name, address and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed, shall be destroyed when the information is no longer needed to provide educational services to the child if the parents request destruction. If the parents do not request destruction, the Director of Special Education shall determine on a case by case basis whether to retain the entire record, taking into consideration the protection against improper and unauthorized disclosure and the child's potential need for the records, such as social security benefits.

Legal Ref.	20 U.S.C. 1232g 34 CFR Part 99	Family Educational Rights and Privacy Act Family Educational Rights and Privacy Act of 1974
	45 CFR Part 99 20 U.S.C. 1412(a)(8), 1417(c); §300.500, 300.610-300.627	Regulations Individuals with Disabilities Improvement Act 2004

Transfer of Student's Rights

Introduction

Under Family Education Rights and Privacy Act (FERPA) regulations (20 U.S.C. § 1232g; 34 CFR Part 99), educational rights transfer to eligible students who are 18 years of age or are attending a post-secondary educational institution. This means that all procedural safeguards and rights held by the parents, including right to consent or withhold consent for evaluation and placement for special education, are guaranteed to the student. Unless parents obtain legal guardianship for their child who is 18 years of age, the student is the person to whom all prior notices/listing of rights are sent and who will be asked for consent for those situations requiring consent.

Transfer of rights must be addressed at the IEP meeting that will be in effect when the student turns age 17. The discussion will be documented on that IEP.

For some students who have severe disabilities, parents may wish to pursue legal guardianship. This may take an extended period of time in the court system; the issue of guardianship will be discussed with parents no later than the sixteenth birthday

Regulations: 20 U.S.C. § 1232g; 34 CFR Part 99

Family Education Rights and Privacy Act (FERPA):

Section 99.5 What are the rights of eligible students?

1. When a student becomes an eligible student, the rights accorded to, and consent required of, parents under this part transfer from the parents to the student.
2. The Act and this part do not prevent educational agencies or institutions from giving students rights in addition to those given to parents.
3. If an individual is or has been in attendance at one component of an educational agency or institution, that attendance does not give the individual rights as a student in other components of the agency or institution to which the individual has applied for admission, but has never been in attendance.

Procedures

1. Invite student to IEP meetings beginning at age 16.
2. Age 16
 - a. Discuss transfer of rights at IEP meeting.
 - b. Document on the IEP that the transfer of rights has been discussed.
3. Before the 18th birthday
 - a. Send a transfer of rights prior notice to the student and student's parents.
 - b. Send Procedural Safeguards brochure to student, indicate discussion of transfer of rights according to the law.
 - c. At the meeting: explain transfer of rights, review procedural safeguards, and have student sign the transfer of rights form.
 - d. Place the original transfer of rights form in cumulative and special education file, send/give copies to parents.

Student Record Access

Regulation(§ 300.613) Record of Access

Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under this part (except access by parents and authorized employees of the participating agency), including name of the party, the date access was given, and the purpose for which the party is authorized to use the records. FERPA99.32(a)(1),99.6(a)(5).

Policy

All student files containing Special Education records must have a Record Access Log for student's records. This form documents personnel position, reason for examining records, and the date of file

review. The following persons have access to student educational records: parents, principals, secretaries, teachers, special education staff members, students 18 years of age and older, and state and federal education agency personnel. Other persons needing to examine specific records must have authorization from both the student's parent and the building principal. A student 18 years of age or older may grant permission to have his/her record examined. In this case, authorization from the building principal is also needed.

The school district will permit parents to inspect and review any education records relating to their children which are collected, maintained or used by the South Valley Special Education Unit under this part, or shall permit same for young adults with disabilities for whom transfer of rights has occurred at age 18.

Procedure

The special education case manager places a Record Access Log for student records form in the student's special education file at the time that it has been determined that the student needs special education and/or related services. All personnel examining Special Education records must sign, indicate their position, and reason for examining records, and the date of review each time the file is accessed.

The school district will comply with a request without unnecessary delay and before any meeting regarding an individual education program or hearing relating to the identification, evaluation, or placement of the child, and in no case more than 5 working days after the request has been made.

The parents' rights to inspect and review education records related to the identification, evaluation, and placement of a child and the provision of free appropriate public education (FAPE) under this section include:

1. The right to a response from the South Valley Special Education Unit to reasonable requests for explanations and interpretations of the records.
2. The right to request that the South Valley Special Education Unit provide copies of the records containing the information if failure to provide those copies would effectively prevent the parents from exercising the right to inspect and review the records
3. The right to have a representative of the parent inspect and review the records (parent consent signature required).

The South Valley Special Education Unit may presume that the parent has authority to inspect and review records relating to his or her child unless the South Valley Special Education Unit has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

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

Fees: The South Valley Special Education Unit may charge a fee for copies of records which are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. The South Valley Special Education Unit may not charge a fee to search for or to retrieve information under this policy.

Amendment of Records: If a parent feels that information in education records is inaccurate, misleading, or violates the privacy or other rights of the child, he/she may request that the South Valley Special Education Unit amend the records.

If the South Valley Special Education Unit receives a request to amend records, the Unit will decide whether to amend the information in accordance with the request within a reasonable period of time.

If the South Valley Special Education Unit refuses to amend the information, the Unit must advise the parent of the refusal and his/her hearing rights.

Opportunity to Examine Records: Children with disabilities and their parents are guaranteed the opportunity to examine all educational records pertaining to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such a child.

The South Valley Special Education Unit must provide all records to the parent of the student with a disability within 5 working days of a written request. The records must be made available to the parent or guardian on request at no cost except for actual cost of the duplication of the records if a duplicate is requested by the parents. The special education unit must inform other agencies that all records maintained on an individual at the special education unit will be accessible to the parents.

IDEA Record Location

Regulation

Under the Family Education Rights and Privacy Act (FERPA, (99.6(a)(iv) and the Individuals with Disabilities Education Act (IDEA 2004 (§ 300.613), schools are obligated to provide parents, on request, a list of the types and locations of education records collected, maintained, or used by the agency. The requirement applies to **all** children, not just those who are in special education.

Policy

Personally identifiable student information is readily available to parents through a school's use of the record locator, a one-page form that is to be inserted in each child's cumulative file (the primary educational record). The record locator is also placed in the child's special education file.

Procedure

The special education case manager is responsible for placing a Record Locator Form in the student's cumulative file upon referral for special education consideration.

South Valley Special Education Unit Limited Access File Procedure

Under PL 101-476 regulation, (§ 300.614) each school staff shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages. As one means of ensuring this is done, the school must maintain, for public inspection, current listing of the names and positions of those employees who have access to personally identifiable information. To fulfill this requirement, the school's record custodian must:

1. maintain a current list of employees, by job position, and
2. conspicuously post a "limited access file" sticker on each container used to file special education records, even when the container is within a vault.

The storage container must have the following characteristics:

1. durable metal, with an operating lock. A lock is not mandatory if the container is situated within a vault that is continuously monitored during the day and/or locked by a designated staff person.
2. located in an area away from high traffic of staff and students.

The school building records custodian will, prior to the first contract day of the school year, verify that each storage file cabinet containing special education records has an updated limited access sticker conspicuously posted on the top front.

The school building record custodian will provide training to the secretary of other office staff who may also be responsible for maintaining confidentiality of records. Training should include:

1. familiarizing the secretary with school staff who are identified on the limited access file form.
2. presenting specific questions to persons requesting to access a student file, including obtaining identification.
3. identifying acceptable responses that justify a person's need to access student records.

Student records may be removed from the office area. Records removed from the area must be returned within hours and may not be absent from the limited access file past the end of the school day. A conspicuously colored place locator will be inserted when a file has been checked out, and it will indicate the person who is using the file. The school secretary will be responsible for ensuring the files removed from the designated file storage container are returned by the designated time.

IDEA Due Process

Policy

The South Valley Special Education Unit and member school districts will follow Due Process and Review Procedures established by the North Dakota Department of Public Instruction. The following are NDDPI procedures and address IDEA 2004 - 300.507 – 300.515.

Procedure

A parent or a public agency may file a due process complaint on any matters relating to the identification, evaluation or educational placement of a child with a disability.

Content of complaint:

1. Name of the child
2. Address of the child
3. Name of the school that child is attending
4. Available contact information for the child if homeless
5. A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem
6. A proposed resolution of the problem to the extent known and available to the party at the time.

Within 5 days of receipt of notification, the hearing officer must make a determination of whether the due process complaint meets requirements and must immediately notify the parties in writing of that determination (300.508.d.2). The party may amend the content of the complaint.

LEA Response to a complaint

1. Within 10 days of receiving the due process complaint, the party receiving the complaint must send a response.
2. The response may be on a Prior Written Notice (300.503) form (300.509).

Resolution Process (300.510)

1. Within 15 days of receiving notice of the due process complaint the LEA must convene a meeting with members of the IEP team.
2. Purpose is to discuss the due process complaint, and the facts that form the basis of the complaint, and to try to resolve that complaint.
3. If within 30 days (of the receipt of the due process complaint) the issue has not been resolved, the due process hearing may occur.

Impartial due process hearing (300.511)

1. An impartial hearing officer is chosen who is not an employee of the SEA or LEA, has no personal or professional interest that conflicts with his/her objectivity, has knowledge, ability to understand, the provisions of due process hearing, can conduct hearings, can render and write decisions
2. Timeline: within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the due process complaint unless the parent was prevented from filing the complaint

Hearing rights (300.512)

1. Hearing must be accessible to parents under ADA
2. Parties may be represented by counsel

3. Parties must be given opportunity to present evidence, confront, cross-examine, and compel the attendance of witnesses
4. Evidence to be presented at the hearing must be disclosed to either party at least 5 business days before the hearing
5. Record of hearing, and finding of fact, made available to both parties
6. Parents have the right to have the child who is the subject of the hearing present; open the hearing to the public; and have the record of the hearing and the findings of fact provided at no cost to the parents.

Hearing decisions (300.513)

1. Determination of FAPE must be made on substantive (essential principles) grounds
2. Determination of procedural violations must be made on grounds that child's right to FAPE was impeded, parents were denied right of participation in decisions, or actions caused a deprivation of educational benefit.
3. Finding must be made public (FERPA must be maintained)

Timelines: The Department of Public Instruction shall insure that no later than 45 days after the receipt of an Application for Request for Due Process Hearing, a final decision is reached in the hearing and a copy of the decision is mailed to each of the parties in the dispute. (300.515)

A hearing officer may grant specific extensions of time beyond the period set out in (a) of this section at the reasonable request of either party. (300.515)

Findings for the due process hearing do not preclude civil action (300.516) but are limited to within 90 days.

South Valley Special Education Unit Notice and Form Procedure Outline

PROCEDURE	PRIOR NOTICE	PARENT RIGHTS	*PARENT CONSENT
Mass screening: Procedures used with all but enrolled students to identify possible areas suggested parents of difficulties that could interfere with learning. Examples include screening for vision or hearing, or review of records of all students to identify students at-risk academically.	Not required, but suggested parents be informed	Not required	Not required
Selective screening: Procedures used with selected children who are referred due to identified risk factors. It is done to determine the significance of the risk factors to the child's growth and development or academic performance. The result determines whether there is need for referral to BAT/Step 1 or for evaluation.	Required	Not Required	Required
BAT: a general education intervention to assist teachers to plan interventions for students who are having difficulty in the general education environment. Classroom components are modified (e.g. mode of presentation, teaching strategies, curriculum, positive behavior interventions, etc.).	Not Required	Not Required	Not Required but involvement urged
Response to Intervention: RtI provides high-quality instruction and interventions matched to the student's need in general education.	Not Required	Not Required	Not Required
Meeting Excusal (IEP Team Attendance): Documents the absence of a required team member. States that the parent, in writing, and the public agency consent to the excusal. The excused member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.	Not Required	Not Required	Required
Initial Assessment: The first multidisciplinary evaluation of a student who is referred when BAT intervention fails to adequately address the student's difficulties. If a student has been served by special education, has been dismissed, and then is referred a second time, the procedures associated with initial assessment must be followed.	Required	Required	Required
Re-evaluation: Periodic reassessment (conducted every 3 years as required, or more frequently as requested) of students placed in special education.	Required	Not required	Required
Initial Individualized Education Program (IEP) Development: Preparation of an individual education plan by a team of participants as required by regulations following an initial assessment.	Required	Required	Not Required
Initial Placement: The first time a multidisciplinary team uses assessment data, analyzes and plans for a student's unique educational needs, and concludes that specially designed instruction is required to meet those needs. The placement decision is made as part of the IEP meeting. If a student has received special education services and has been dismissed, the initial placement procedures must be followed if the student is subsequently assessed and determined to be in need of special education services again.	Required	Required	Required
Annual IEP Review: Review of current IEP and preparation of a new or revised IEP at least every 12 months by a team of participants as required by regulations. Review of placement as well as plans for programming and services included.	Required	Required	Not Required
Dismissal from Program: Termination of special education services because the student no longer needs them or the parent or student requests termination of services. SVMD has no official notice. Dismissal is made on an IWAR or on parent or student request on a Prior Written Notice.	Required	Required	Required
Registration of a due process complaint: If a parent disagrees with the identification, evaluation, educational placement or other aspects relating to their child's free appropriate public education they may file a written complaint or request a due process hearing.	Required	Required	Not Required
Filing of a state complaint: If a parent believes that the school has violated a requirement of IDEA 2004 they may file a complaint with the state.	Not Required	Required	Not Required
Other agency invitation to Secondary Transition Meeting: If another agency is participating in the Secondary Transition Services needed by a student, parent consent must be given to invite them to the meeting.	Not Required	Not Required	Required

*Parent consent is required when information is collected on an individual child that is not being obtained for all individuals in the same school, grade, or class (Hatch Act, 1974, amended to General Education Provisions Act, 1984, 34 CFR 98).

RELATED IDEA POLICIES

Assistive Technology

Monitoring the Hearing Aids of Students

Definition of a Parent

Surrogate Parent

Discipline Regulations

**Grades, Transcripts, Diplomas, and Graduation
Requirements for Students with Disabilities**

Assistive Technology

Regulation (IDEA 2004 - 300.5, 300.6, 300.105)

Policy

The South Valley Special Education Unit assures that all children identified as having a disability under IDEA, will receive services necessary for accessing and participating in their educational program. These services may include assistive technology devices or assistive technology service, or both (IDEA 2004 - 300.105).

(IDEA 2004 - 300.5) Assistive Technology Device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities.

(IDEA 2004 - 300.6) Assistive Technology Service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

- The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment.
- Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities.
- Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices.
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs.
- Training or technical assistance for a child with a disability or, if appropriate, that child's family.
- Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities. (Authority: 20 U.S.C. 1401 (2))

Procedure

Assistive technology devices and services are addressed annually as part of the student's IEP process. If the multidisciplinary team deems it necessary assistive technology will be addressed as part of the student's evaluation. Assistive technology may be part of the child's special education, related services, or supplementary aids and services.

The Unit also assures that, if technology is used as a tool to facilitate the attainment of a student's individual goals and objectives, then technical assistance regarding selection, application and evaluation of identified equipment and/or adaptations will be provided.

A form that outlines a process for considering assistive technology is available on TIENET.

Monitoring the Hearing Aids of Students

Policy and Procedure

South Valley and District staff will be responsible for insuring amplification worn by hearing impaired students is functioning appropriately.

1. Amplification will be monitored daily by a hearing impaired teacher, speech therapist or his/her designee.
2. Spare hearing aid batteries will be in school in case replacements are needed
3. Staff will receive inservice on hearing aid monitoring.
4. Listening stethoscopes will be available to perform listening checks.

South Valley Multi-District Use of FM Auditory Trainers

An FM system is comprised of a microphone/transmitter worn by the teacher and a receiver worn by the hearing-impaired student. The teacher's microphone transmits an FM signal that is picked up by the receiver worn by the student. There are a variety of benefits associated with the use of an FM system. The following is a partial list of benefits:

1. It will compensate for unfavorable listening conditions: reverberation; distance, poor sound discrimination.
2. It provides a consistent signal (teacher's voice) to noise (students, talking, books, paper shuffling heater) ratio—as if the teacher were 4-5 inches from the child's ear.
3. The system is wireless--use indoors or out.
4. The system is rechargeable.
5. Academically its use can encourage:
 - a. Attending skills.
 - b. Reinforce visual cues.
 - c. Assist in developing follow-through on sequential directions.
 - d. Improve understanding and speech discrimination.

Auditory Trainer Instructions

1. The student wears the receiver(s) (auditory trainer). The teacher wears the microphone (transmitter).
2. At the beginning of the day the student will attach the FM clips to their hearing aids or will remove their hearing aids to put on the FM BTE, then reverse this process at the end of the day.
3. At the end of the day, the microphone unit needs to be charged. Charging should be overnight or over the weekend. One should try to drain the battery a full school day, then recharge to keep the battery life longer.
4. A pulsing light on the microphone means that the battery is low and needs to be charged. If the student is wearing BTEs (behind the ear) receivers, the batteries will need to be checked on a regular basis.
5. In the event of a dead battery, a regular AA battery can be used in the microphone until the rechargeable battery has a complete charge.
6. Switches on the separate FM trainer BTE are: B = both hearing aid and microphone are on, F = teacher microphone only is being received or M = hearing aid only. If the FM clips onto a personal hearing aids the setting may be internal or not able to change.
7. Do not hold the microphone less than two inches from the mouth, otherwise the signal will be distorted. Talk in a normal voice.
8. On the microphone, the red line means the microphone is on, the dot is for the lapel aux. microphone only, and the line and dot together means both the regular mic. and the lapel mic. are functioning. This will be dependent on the type of FM being used. Each mic. System is a little different.
9. For more detailed information refer to "FM Troubleshooting Chart" and "Recommended Daily Routines."

Listening Check to Hearing Aid

1. Test battery to make sure it is good – will / should have battery testers available
2. Listen with stethoscope through the hearing aid ear-mold
3. Listen for loudness and for distortion
4. Check ear-mold and hearing aid ear-hook (the part that hangs on the ear and connects the hearing aid to the ear-mold) for cracks, pinholes or moisture.

Feedback

1. Feedback occurs whenever amplified sound leaks out and is re-amplified. It is normal when the aid is off the ear and switched on, unless the end of the ear-mold or ear-hook is occluded (i.e., covered with your finger). Other causes of feedback would be:
2. Poorly fitting ear-mold (not inserted correctly, child has outgrown it, etc.).
3. Ear canal has excessive wax.
4. Ear-mold tubing is twisted or has a crack or pinhole.
5. Ear-hook has a crack.
6. Hearing aid malfunction (internal feedback)

To test for feedback, cover the end of the ear-mold with your finger and switch Aid on. If there is no feedback then the problem is in the ear-mold fitting into the ear. If there continues to be feedback, problem is in the ear-mold tubing, ear-hook or the hearing aid, Remove the ear-hook and cover the hearing aid opening with your finger...listen for feedback...if feedback occurs, the hearing aid needs to be sent for repair. If no feedback, look for problem in ear-hook or ear-mold tubing.

Services that apply to children with surgically implanted devices, including cochlear implants (300.34):

1. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.
2. Students with implanted devices are to receive related services that are determined by the IEP Team to be necessary for the child to receive FAPE. That is, routine checking of an external component of a surgically implanted device to make sure it is functioning properly.

Prohibition of Mandatory Medication

REGULATION (20 U.S.C. § 1412(a)(25), 34 CFR § 300.174)

Policy and Procedures

Under regulation 300.174, parents will not be required to obtain a prescription of a controlled substance as a condition for attending school, receiving an evaluation or receiving regular and special education services. Teachers and other school personnel may consult or share classroom based observations with parents or guardians regarding a student's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services under § 300.111 (related to child find).

Definition of a Parent

Regulation (IDEA 2004 - 300.30)

Policy and Procedure

At all special education team meetings, students will be represented by a parent as defined in IDEA.

Parent means:

1. Biological or adoptive parent of a child
2. Foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent
3. Guardian authorized to act as the child's parent, or authorized to make educational decisions for the child
4. Individual acting in the place of a biological parent (grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare
5. Surrogate parent who has been appointed in accordance with 300.519
6. Biological parent or adoptive parent supersedes all other categories when that person is attempting to act as the parent (unless legally unable to make educational decisions)
7. If a judicial decree or order identifies a specific person (s) to act as "parent" that ruling supersedes #6.
8. A student acts on his/her own behalf after age 18 as defined in the Transition policy.

Anderson vs. Breithbarth et al. No. 6074 – Supreme Court of ND – 11/29/1932

This court found in favor of immediate blood relatives (such as grandparents, aunts, uncles and older siblings) entitlement to enroll students in a free education with all the rights accorded natural parents even when parents are known and reside elsewhere.

This court opinion is still in effect in North Dakota. Consequently, grandparents and other close blood relatives may represent the educational rights of students when parents are unknown or have provided a statement that such relatives may represent the due process rights of their child.

Surrogate Parent

Policy

South Valley Multi-District Special Education Unit is responsible for ensuring that the rights of students with disabilities are protected when the parent(s) or guardian(s) of the student with a disability is not known, unavailable, or the student is a ward of the state. This requirement is addressed through the assignment of an individual to act as an educational surrogate parent for the student.

A surrogate parent is a person who represents and protects the educational interests of a disabled student who has no parent or legal guardian able to participate in special services decision making processes. The person selected as surrogate parent may not have conflicts of interest with the student represented, nor may they be an employee of a public agency involved in the education or care of the student.

Procedures

1. Identification of need for a surrogate parent
 - The parent or guardian cannot be located.
 - The student is a ward of the state and parental rights have been terminated.
 - The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act
2. Selection of appropriate surrogate parents

An educational surrogate parent will:

 - Be at least 18 years of age and a resident of the state of North Dakota
 - Have no personal or professional interests that conflict with the interest of the student being represented
 - Have sufficient knowledge and skills that ensure adequate representation of the student
 - Not be an employee of a public or private agency involved in the education or care of the student.
3. Referral method for students in need of a surrogate parent
 - A student is referred for selective screening or evaluation for a suspected disability or A student has been identified as having a disability and has a current individualized education program (IEP).
 - A person designated by the school district reviews documentation to determine the status of the student's parent(s) and/or legal guardian.
 - If no parent or legal guardian is found, the unit's procedures for appointing an educational surrogate parent takes effect.
 - The school district's designee appoints an educational surrogate parent for the student from a list of qualified and trained surrogate parents.
 - The educational surrogate parent assumes the role of the parent in all matters relating to the identification, evaluation, program placement, and free appropriate public education of the student with a disability.
4. List of qualified persons to serve as surrogate parents
 - The Unit is responsible for recruiting and maintaining a list of qualified persons who have agreed to serve as educational surrogate parents.
5. Provisions for training surrogate parents
 - The Unit is responsible for providing training for educational surrogate parents to ensure they have the knowledge and skills that guarantee adequate representation of the student.
 - Available training sources and guidelines include ***Parental Rights for Public School Students Receiving Special Education, Services Notice of Procedural Safeguards, Parent Guide to Special Education, and the Educational Surrogate Parent Guidelines.*** Other resources may be accessed on the web at <http://www.dpi.state.nd.us/speced/>
 - The educational surrogate parent should receive an overview of school district policies and procedures, with emphasis on those which relate to special education, and an overview of school district resources and parent groups.
6. Criteria for the continuation and/or termination of the services of the surrogate parent.
 - The surrogate parent remains in the role as long as he or she meets the eligibility criteria for an educational surrogate parent;
 - The student remains eligible for special education services;
 - The surrogate parent continues to represent the best interest of the child;
 - The student remains a resident of the school district in which he or she is served; and
 - The student does not have a legal parent or guardian who is able to represent him/her in the educational decision making process.
 - When a student with a disability becomes 18 years of age, he or she may assume responsibility for his/her educational decision-making and a surrogate parent may no longer be required.

Discipline Regulations related to students with disabilities

IDEA 2004 (20 U.S.C. 20 1415 (k); 34 CFR 300.530-300.536)

Policy

The school district adheres to policies and all requirements related to discipline as set forth in *Guidelines: Individualized Education Program Planning Process* (2007), and Policy Paper No. 2, Discipline Regulations for Students with Disabilities (2007).

Procedure

Procedures are detailed in:

Policy Paper No. 2, Discipline Regulations for Students with Disabilities (2007)

<http://www.dpi.state.nd.us/speced/guide/policy/index.shtm>

Grades, Transcripts, Diplomas and Graduation for students with disabilities

Policy

South Valley Multi-District Special Education Unit along with member districts is committed to providing equal educational opportunities to all children. Each child has a right to full educational opportunities regardless of capabilities. The educators are dedicated to helping all students reach their educational potential, at the highest standard. Grades, transcripts, diplomas, and graduation are part of the school experience for students with disabilities. How grades are assigned and reported will be outlined in the IEP.

Procedures

Procedures followed by South Valley District Special Education Unit are detailed in:

Grades, Transcripts, Diplomas, and Graduation for Students with Disabilities: Policy

Papers in Education (2010) <http://www.dpi.state.nd.us/speced/guide/policy/index.shtm>

**SOUTH VALLEY MULTI-DISTRICT SPECIAL EDUCATION UNIT
Forms Index**

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- SV – 2 School B.A.T. Request for Student Assessment**
- SV – 6 Outside Evaluation Request**
- SV – RAL Record Access Log**
- SV – RL Record Locator**
- SV – ASP Application for Surrogate Parent**
- SV – ADS Achievement Discrepancy Scale**

Note: Most special education forms can be accessed on TIENET.

**SOUTH VALLEY MULTI-DISTRICT SPECIAL EDUCATION UNIT
Notice of Intent to Conduct Selective Screening**

Date _____

Dear _____

We are interested in providing the best possible educational opportunities for your child.

(Name) _____ may benefit if we could determine his/her specific needs. We are requesting permission to conduct a selective screening because

These screenings will be done by members of our staff who have special training to evaluate and identify individual needs. The screening will consist of:

TYPE OF SCREENING

EXAMINER/POSITION

_____	_____
_____	_____
_____	_____

The screening(s) will be done at _____ School as soon as this **signed** form is returned to school. Please read the enclosed PARENT'S RIGHTS pamphlet.

PARENTS: (Please check one)

_____ I understand my rights and responsibilities and request the above screenings.

_____ I do not give my approval for the screening(s) as proposed in the notice, and hereby request a conciliation conference with the school.

Parent/Guardian Signature

Date

**SOUTH VALLEY MULTI-DISTRICT SPECIAL EDUCATION UNIT
School B.A.T. Request for Student Assessment**

Student: _____ DOB _____

School: _____ Grade: _____

Referred by: _____ Referral Date: _____

Reason for Referral (check areas)

_____ Academic (list area(s)) _____

Please consider:

___ **Student has received instruction from highly qualified teachers.**

___ **Research based methods and materials were used for instruction.**

- _____ Behavior
- _____ Emotional
- _____ Attention
- _____ Speech/Communication
- _____ Sensory (vision/hearing)
- _____ Other

Describe reasons for checked areas.

Interventions implemented in the general education classroom and length of time.

Intervention one:

Intervention two:

Intervention three:

Additional Comments:

**SOUTH VALLEY MULTI-DISTRICT SPECIAL EDUCATION UNIT
Action for B.A.T. Referral**

Approved by: _____ **Date:** _____

Comments:

Return unapproved: _____ **Date:** _____

Comments:

**SOUTH VALLEY MULTI-DISTRICT SPECIAL EDUCATION UNIT
Outside Evaluation Request**

I/We request that the South Valley Multi-District Special Education Unit have an evaluation conducted by:

Professional/Agency

Address

City/State/Zip Code

For my/our child _____ residing
Full Name

In the _____ School District.

In requesting these services I/We therefore give South Valley Multi-District Special Education Unit and the aforementioned professional agency approval to exchange appropriate evaluative (and subsequent outpatient treatment, if necessary) information to insure an accurate evaluation (and subsequent educational and medical services, if appropriate). I/We understand that the cost for such evaluation will be paid by the South Valley Multi-District Special Education Unit after our health insurance carrier payments have been made to the evaluating agency. This request is valid for one year from the signed and dated confirmation on this form.

Parents must give consent for their health insurance carrier to be billed. It is understood that in some instances future payments may be impacted by this payment.

Parent/Guardian Date

Insurance Company Policy Number (if known)

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SOUTH VALLEY MULTI-DISTRICT SPECIAL EDUCATION UNIT ACTION

Referred by _____
South Valley Staff Position

Approve _____ By _____, Director

Date sent to Professional/Agency _____

South Valley Multi-District Special Education Unit

Record Locations

Student Name

Service School

Address

City/State/Zip

Types	Location	Custodian
Cumulative School Records	School Principal's Office	School Principal
Cumulative Schools Records (Former Students)	School District Office	High School Principal
Health Records	School Principal's Office	School Principal
Special Education IDEA Records (Placement Form, IEPs, etc.)	School Principal's Office South Valley Multi-District Special Education Unit Office Hankinson, ND 58041-0100 Electronic Copy of this file is on Tienet	School Principal Director of Special Education
School Transportation Records Special Education Transportation Records	School District Office South Valley Multi-District Special Education Unit Office Hankinson, ND 58041-0100	High School Principal Director of Special Education
Standardized Test Records	School Principal's Office	School Principal

SOUTH VALLEY MULTI-DISTRICT SPECIAL EDUCATION UNIT
Application for Surrogate Parent

Student Name: _____ Grade: _____ DOB: _____

Name of Originator: _____ School: _____

Reason for Application. Check one.

- Student's parents or legal guardians are not known.
- Student's parents or legal guardians are not available.
- Student is a Ward of the State.

With whom is the student presently residing?

Name: _____

Address: _____

Telephone: _____ Relationship: _____

Identify all private and public social service agencies now involved with this student.

Agency

Caseworker

Action on Application:

Denied: (reasons) _____

Approved: (reasons) _____

Assigned Surrogate:

Name: _____

Address: _____

Telephone: _____

Director's Signature

Date

SOUTH VALLEY MULTI-DISTRICT SPECIAL EDUCATION UNIT
Achievement Discrepancy Scale

Student: _____ School: _____

Standard Scores Standard Scores 1.5 Standard Deviation = 22 points
WISC III **WJ III**

110	110
109	109
108	108
107	107
106	106
105	105
104	104
103	103
102	102
101	101
100	100
99	99
98	98
97	97
96	96
95	95
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66	66
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64	64
63	63
62	62
61	61
60	60