



Dotting the i's, Crossing the t's and meeting Kids Needs

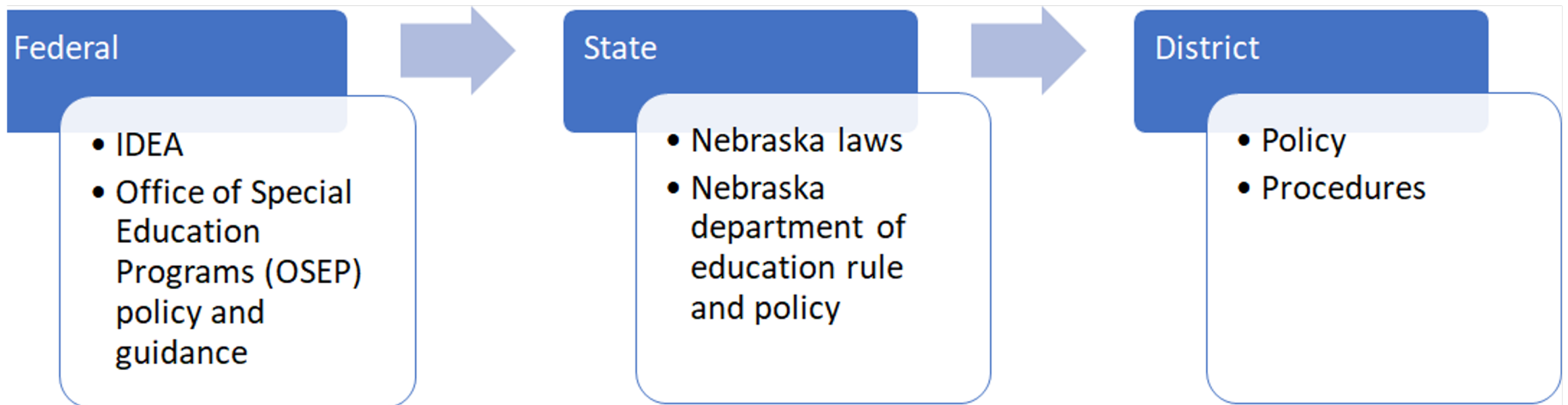
District Policies and Procedures
July 28, 2021

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Outcome for today's session:

This session will focus on the purpose for having good special education policies and procedures in place. With well defined policies and procedures, the practice of providing special education services and supports to students will be more effective. NDE staff will share the new Technical Assistance Document for writing Policies and Procedures in special education and understanding the requirements under IDEA and being in compliance with Rule 51.

- Federal requirements: [Individuals with Disabilities Education Act, 204 \(IDEA\)](#).
- State regulations: [Nebraska Rule 51: Regulations and Standards for Special Education Programs](#).



Responsibilities

34 CFR §§300.201 (IDEA)

The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures.

Responsibilities

34 CFR §§300.149

The SEA is responsible for ensuring—

- (1) That the requirements of this part are carried out; and
- (2) That each educational program for children with disabilities administered within the State, including each program administered by any other State or local agency (but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior)—
 - (i) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the SEA; and
 - (ii) Meets the educational standards of the SEA (including the requirements of this part).
- (3) In carrying out this part with respect to homeless children, the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) are met.
- (b) The State must have in effect policies and procedures to ensure that it complies with the monitoring and enforcement requirements in §§300.600 through 300.602 and §§300.606 through 300.608.

When might policy and procedure reviews occur?

Monitoring

- At least every five years

Equity findings

- Indicator 4 (discrepant discipline)
- Indicator 9 and 10 (disproportionate representation)
- Significant Disproportionality (discipline, Identification, & placement)

Complaints

- Administrative complaints
- Informal complaints

Local determinations

- Needs interventions

Identified Areas of Improvement

Identification of
policy and
procedure need

Development

Evidence and
demonstration

Ongoing
monitoring and
updates

Guidance Document

NEBRASKA
TECHNICAL ASSISTANCE PROJECT



SPED
SPECIAL EDUCATION

GUIDANCE DOCUMENT

Developing Required Local Policies & Procedures Required for Implementation of Special Education Part B Regulations in Nebraska's Public Schools

July 2021



Guidance Document

Purpose: To provide districts guidance towards policy and procedure development
Reminder: Districts should consult with their board attorney for final policy review.

Access:

- Full document
- Individual sections

Guidance includes:

- General overview
- Side-by-side comparison of relevant federal and state regulations
- District considerations for policy and procedure development
- Template for procedure development

Leadership Team

- Well-rounded to obtain various perspectives and expertise (suggested team members)
- Identify current policies and procedures
- Review rules and regulations for federal and state
- Determine needed policies and needed procedures
- Create task and action plans



Policy and Procedures

Policy

- Should help identify the ways in the which the state rules (and more encompassing federal regulations) will be implemented, applied, and understood at local level
- Adopted by the school board
- Publicly available
- Student and parent handbook
- Considerations

Procedures

- Assist with:
- Effective policy implementation
- Prevention of problematic or negligent practices
- Include:
- Breakdown of needed tasks to meet a desired outcome
- Who, what, when, where
- Meet a stranger's test

92 NAC 51-004.08A Requirements

School districts and approved cooperatives are required to develop, adopt, and have on file with the Nebraska Department of Education current policies, procedures, and forms for special education programs for all resident public and nonpublic school children with disabilities, in accordance with all applicable state and federal requirements

92 NAC 51-004.08A Requirements

Policies and procedures Shall Govern

- Identification
- Evaluation
- Verification
- Individualized education program
- Placement (least restrictive environment)
- Confidentiality
- Procedural safeguards
- Comprehensive system of personnel development
- Transportation
- Surrogate parents within the school district or approved cooperative
- Free appropriate public education
- Child find
- Transition from Part C of the IDEA to preschool programs
- Children in nonpublic schools
- Personnel standards
- Performance goals and indicators
- Participation in assessments
- Reporting related to assessment results
- Suspension and expulsion

Side-by-Side Comparisons

V. Child Find

IDEA Regulation: Child Find	Nebraska Rule 51: Child Find
<p>Section 300.111: Child Find</p> <p>(a) General.</p> <p>(1) The State must have in effect policies and procedures to ensure that—</p> <p>(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and</p> <p>(ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.</p> <p>(b) Use of term developmental delay. The following provisions apply with respect to implementing the child find requirements of this section:</p> <p>(1) A State that adopts a definition of developmental delay under §300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five).</p> <p>(2) A State may not require an LEA to adopt and use the term developmental delay for any children within its jurisdiction.</p>	<p>006.01A. All children with disabilities residing in the state, including children with disabilities who are homeless children or wards of the State and children with disabilities attending nonpublic schools, regardless of the severity of their disabilities, and who are in need of special education and related services, shall be identified, located, and evaluated and a practical method shall be developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.</p> <p>006.01A1. The child <u>find</u> requirements apply to highly mobile children including migrant children.</p> <p>006.01A2. The child <u>find</u> requirements also apply to a child who is suspected of being a child with a disability under 92 NAC 51-003.08 and in need of special education, even though the child is advancing from grade to grade.</p> <p>015.03B1. Each school district or approved cooperative must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in nonpublic, including religious, elementary schools and</p>

Important to review both:

- Districts are expected to meet federal regulations as well as state rules
- Nebraska has some rules that are specific to the state

Sample Policy Statement

- The sample is only a general example and is meant as guidance.
- It may not be exhaustive.
- Districts should consult with their board attorney when developing district policy to ensure they meet all requirements.

District Considerations for Policy and Procedure Development

Sample district policy statement:

[Xyz school district] will develop procedures to ensure all children within the district have access to the child find process. The district will provide multiple methods to provide parents, guardians, and community members with information regarding how to refer a child for an evaluation and the identification process. Each school building will have a designated contact person who is knowledgeable about the district procedures and the district will designate a contact person to oversee the child find process. The child find process will be consistent with federal and state regulations (i.e., 34 CFR § 300.111 and 300.131; 92 NAC 51-006 and 92 NAC 51-015.03)

Procedural Considerations

- List of questions or items for considerations as districts work towards developing procedures
- Provided to facilitate leadership team conversations and guide task identification
- Not exhaustive

Procedural considerations:

- Indicate who is responsible for the different steps of child find (e.g., district level, school level, etc.)
- Determine resources that need to be developed or updated for parents and community members and the frequency these will be reviewed for revisions (e.g., annually).
- What are the procedures for annual dissemination of child find activities (for example, information is disseminated annually using news media, brochures to public and private childcare facilities, school websites, etc.)?
- Outline the referral process (include in each step- who is responsible, timelines, where documents can be accessed or stored)
 - Indicate if there is a separate or different process for pre-kindergarten, private school and home school students, and referrals for juvenile facilities.
 - Indicate any needed steps for students who are homeless or wards of the state
 - Include any school level and district tracking systems including disaggregation of data to determine equitable access.

Guidance Resource

Includes:

- Websites of technical assistance centers
- Department memos, guidance documents, and resources
- Federally funded parent center information resources
- Federal (OSEP and Office of Civil Rights) guidance and policy documents

Guidance resources

- [Dear Colleague Letter and Resource Guide on Students with ADHD \(ed.gov\)](#)
- [Other Health Impairment | Center for Parent Information and Resources \(parentcenterhub.org\)](#)
- [OSEP Policy Letter -- OSEP 17-05 -- Eligibility Determinations for Children Suspected of Having a Visual Impairment Including Blindness under the Individuals with Disabilities Education Act. \(PDF\)](#)
- [NDE Evaluation Timeline Memo: Clarification on guidance for 92 NAC 51 – 009.04 and IDEA 60 Day Timeline for School Age Children](#)

So now what?

Next Steps:

1. Check to see if the district has policies for each of the areas identified in 92 NAC 51-004.08A Requirements.
2. What procedures do you have in place for each of the areas identified and check for holes within the procedures.
3. Develop a leadership team to use the Guidance Document and review all district policies and procedures.

OPPORTUNITY OF A LIFETIME



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