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Referral and General Education Interventions Policy

It shall be the policy of MSAD 54 to refer all school-age students suspected of having a disability that requires special education to the IEP Team for an evaluation in all suspected areas of disability. Referrals of students to the IEP team may be made by parents at any time, and by professional school staff regardless of the results of the initial child find activities, but after completion of the general education intervention process. Other individuals or agency representatives (including representatives of the Department of Health and Human Services) with knowledge of the child may also make referrals. Any such referral should be made in accordance with procedures that may be approved by the Superintendent of Schools.

Regardless of the source of the referral, a referral will be considered received by MSAD 54 on the date that the written referral is received by the office of the Director of Special Education. It shall be signed and dated by Special Education Director, thereby indicating the date of the receipt of that referral.

The Superintendent of Schools, in consultation with the Director of Special Education, may develop procedures for referral and the use of general education interventions within the local school unit, and may from time to time amend those procedures as necessary.

References: Me. Dep't of Educ. Reg. ch. 101, §§ II(17), III, IV(2)(D), (E), V(4)(A) (July 2011).

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Referral Procedures and General Education Interventions

MSAD 54 shall refer to the 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.

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 Education. 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 parent in making the referral in writing to the office of the Director of Special Education. 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 Education.

A parent referral shall be processed consistent with these procedures and governing timelines even if the child is receiving interventions pursuant to MSAD 54's general education interventions. Those general education interventions shall continue during the referral process, however.

Referrals by staff. Any professional employee of MSAD 54 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 MSAD 54. MSAD 54 may move directly forward with the referral process in those circumstances where MSAD 54 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 form in writing and shall submit that referral directly to the office of the Director of Special Education.

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 MSAD 54. MSAD 54 will move directly forward with the referral process in those circumstances where MSAD 54 and parent 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 Education.

Receipt of Referral. Regardless of the source of the referral, a referral is received by MSAD 54 on the date that the written referral is received by the office of the Director of Special Education.

It shall be signed and dated by the Special Education Director or designee, thereby indicating the date of the receipt of that referral.

Time Line for Processing Referral. Once the referral has been received in the office of the Director of Special Education, 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, MSAD 54 must send a consent to evaluate form to the parent within 15 school days of receipt of the referral. Also upon receipt of the referral (from any source), MSAD 54 shall send the parent its Written Notice form documenting that referral.

Once the office of the Director of Special Education receives the signed consent for evaluation back from the parent, MSAD 54 shall have 45 school 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.

MSAD 54 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.

Transfer Students. Students who have already been identified as in need of special education services and who transfer into MSAD 54 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 be provided with FAPE (including services comparable to those described in the child's IEP from the previous school unit) until MSAD 54 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 MSAD 54 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 be provided with FAPE (including services comparable to those described in the child's IEP from the previous school unit) until MSAD 54 conducts an evaluation (if determined to be necessary by MSAD 54) 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 or the school, MSAD 54 should develop a new IEP through appropriate procedures within a short time after the student enrolls at the school.

If a child transfers into MSAD 54 after the referral time line has begun in the previous school unit but before an eligibility determination has been made, the time line referenced above for completing that process shall not apply if MSAD 54 is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and MSAD 54 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.

MSAD 54 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 MSAD 54'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.

References: Me. Dep't of Educ. Reg. ch. 101, §§ II(17), III, IV(2)(D), (E), V(4)(A) (2013).