

# **Provo City School District**

## **Special Education Policies and Procedures**

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This policy and procedures Manual ensures the implementation of special education services in Provo City School District. It is to be used in coordination with the Utah State Board of Education Rules – revised November 2014 ~~August 2007~~. It is further to be used in coordination with the Utah State Office of Education Special Education Specific Learning Disabilities, Least Restrictive Behavioral Interventions, Caseload, and Graduation Guidelines.

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I. General Provisions (USBE SER I)

A. Policies and Procedures.

Provo City School District, in providing for the education of the students with disabilities enrolled in its schools, has in effect policies, procedures, and programs that are consistent with the Utah State Board of Education Special Education Rules (USBE SER) as described in this Policies and Procedures Manual.

B. Definitions.

1. Provo City School District has adopted all of the other applicable definitions as found in USBE SER I.E.1-44

C. Budget Information and Categories.

Provo City School District provides detailed budget information and budget categories in its annual application for IDEA Part B funding submitted to the Utah State Office of Education.

D. Assurances.

Students are admitted to Provo City School District in accordance with District policies and without restrictions due to race, color, gender, national origin, disability status, or religion. Assurances with regard to compliance with IDEA Part A and Part B, as well as the National Instructional Materials Accessibility Standard and compliance with other Federal laws including “New Restrictions on Lobbying, Department, Suspension, and Other responsibility Matters,” and the Drug-Free Workplace Act of 1988 are submitted to the Utah State Office of Education (USOE) annually with the application for IDEA Part B funding.

E. General program description.

Provo City School District is located at 280 West 940 North Provo, Utah. Provo City School District is comprised of 19 elementary and secondary schools from throughout Provo City School District, Utah. Provo City School District has an enrollment of 13,288 students. The Utah Core Curriculum is the foundation for the curriculum in all grade levels, with basal and supplementary materials used for daily instruction in classrooms.

F. Free Appropriate Public Education (FAPE).

1. Free and appropriate public education (FAPE). (USBE SER I.E.15) Special education and related services that:

- a) Are provided at public expense, under public supervision and direction, and without charge;
- b) Meet the standards of the USOE and Part B of the IDEA;
- c) Include preschool, elementary school, and secondary school education in Utah; and
- d) Are provided in conformity with the Individualized Education Program (IEP) that meets the requirements of Part B of the IDEA and these Rules.

G. Full Educational opportunity Goal.

Provo City School District School District hereby affirms the goal of providing a full educational opportunity to all students with disabilities determined eligible for special education or special education and related services under the IDEA and the USBE SER, between the ages of three and 22, and in accordance with all of the timeline requirements of the IDEA with respect to the identification, location evaluation, and provision of a free appropriate public education.

## II. IDENTIFICATION, LOCATION, AND EVALUATION OF STUDENTS SUSPECTED OF HAVING DISABILITIES

### A. Child Find. (USBE SER II)

Provo City School District has policies and procedures to ensure that all students with disabilities between the ages of three and 22, and those attending private schools including students who are highly mobile, students who have been suspended or expelled from school, home schooled students, students who have not graduated from high school with a regular high school diploma, and those who are suspected of being a student with a disability, are identified, located and evaluated. This includes a practical method for determining which private school students are currently receiving needed special education or special education and related services.

### B. Child Find Procedures.

Provo City School District conducts the following procedures to ensure that students suspected of having a disability are identified and located:

1. Finding students who have been receiving needed special education or special education and related services.
  - a) The enrollment application includes questions about whether a student has received special education and related services in the previous school or educational program.
  - b) Parents are asked during registration if the students received any services beyond the regular program in the previous school.
  - c) If parents respond in the affirmative, a phone contact is made with the previous school to locate the special education records.
  - d) Provo City School District follows all the procedures detailed on the In-State and Out-of-State Transfer Student Checklist of the USOE.
2. In identifying and locating students who are suspected of having a disability but have not been previously identified or determined eligible for special education or special education and related services, Provo City School District implements the following procedures:
  - a) Annual training of staff on the Child Find obligation and how to be alert for observed behaviors that suggest a suspected disability.

- b) Notice in student and/or parent handbooks of the referral procedures and of the availability of services for eligible students with disabilities.
  - c) Notice on the District Website of the referral procedures and of the availability of services for eligible students with disabilities.
  - d) Annual notice in District Newsletters of the referral procedures and of the availability of services for eligible students with disabilities.
  - e) Annual notice in Local newspapers of the referral procedures and of the availability of services for eligible students with disabilities.
  - f) Annual consultation with private schools concerning the identification of eligible students with disabilities.
3. Provo City School District collaborates and coordinates with the Part C Early Intervention Provider, through an interagency agreement aligned with part C to Part B statewide interagency agreement of the USOE to ensure that students with disabilities are identified, located, evaluated, and have FAPE available by age 3, if eligible.

#### C. Referral.

##### 1. Procedure.

When a parent or staff member suspects a student may have a disability, the following referral procedure is implemented:

- a) Teachers implement research-based and/or peer-reviewed interventions and provide documentation of the results on the Student Intervention Profile to be reviewed by a school team, which includes a general education teacher, the building principal, and others as necessary.
- b) Note: Interventions may not be used to substantially delay an evaluation for eligibility.
- c) The referring person completes and signs a referral form. If school personnel are making the referral, attach documentation of contacts with the parents about the concerns regarding the student's educational performance.
- d) The student Intervention Profile, accompanying data, and the referral form are given to the principal, who reviews

this existing data on the student and determines if the referral should go forward for a full evaluation. This review of existing data and evaluation determination is conducted in collaboration with the Special Education Director. If it is decided that the evaluation should take place, the principal assigns a staff member to oversee/conduct the evaluation. If the referral is not going to result in full evaluation, the principal and the assigned case manager send the parent a written prior notice of refusal to take the action of conducting an evaluation.

D. Evaluation.

1. Parental Consent.

Prior to initiating a full and complete individual evaluation, parental consent is required. The consent informs the parent that the evaluation is being proposed because the student is suspected of having a disability that affects his educational performance and that he/she may be eligible for special education or special education and related services. The consent indicates the areas in which the evaluation team will conduct tests or administer other assessment tools to the student. Consent for evaluation must not be construed as consent for provisions of special education services.

Reasonable efforts to obtain parental consent are made and documented by the school. Provo City School District follows the requirements of USBE SER II.C.4 with respect to parents who cannot be located.

Parental consent is not required before administering a test or other evaluation that is given to all students, or before conducting a review of existing data.

2. Written Prior Notice.

The parent is given Written Prior Notice that the evaluation will take place. (See Section IV.C. of this Policy and Procedures Manual for required components of Written Prior Notice.) Written Prior Notice is embedded in Provo City School District Consent for Evaluation form.

3. Evaluation Timeline.

When the signed parental consent or refusal of consent for evaluation is received at the school, the assigned case manager/special education teacher writes the date it was received on the form to document the beginning of the timeline for the evaluation. Provo City School District completes all

evaluations within 45 school days of receiving the consent. The 45 school day timeline does not apply if the parent fails to produce the student for the evaluation. If the student enrolls in Provo City School District after the timeframe has started in a previous LEA, Provo City School District must make sufficient progress to ensure prompt compliance in accordance with an agreement with the parent as to when the evaluation will be completed.

4. Evaluation Process.

a) Review of Existing Data

When conducting an initial evaluation (when appropriate), the evaluation team considers existing data on the student's educational performance. This may include student records of grades, courses completed, statewide test results, classroom assessments, teacher interviews, observations, notes in the student's cumulative file, and any other information available.

b) Administration of Additional Assessments.

In addition, the special education staff administers assessments in other areas as part of a full and individual initial evaluation, as indicated on the Consent for Evaluation, in order to determine eligibility and the student's educational needs. The test administration follows all of the requirements of the USBE SER II.F-H, including:

- Use of a variety of assessment tools
- Use of more than one procedure
- Use of technically sound instruments
- Selection of tools that are not discriminatory on a racial or cultural basis
- Administration in student's native language or mode of communication
- Use of assessments for the purposes intended and in accordance with the publisher's administration standards
- Administration by trained and knowledgeable personnel
- Use of tools that assess what they purport to measure and not just the student's disability
- Assessment in all areas related to the student's suspected disability
- Comprehensive assessment, not just in areas commonly associated with the specific disability



c) Evaluation Requirements.

Evaluations for students suspected in each of the 13 areas of disability include the requirements for evaluation procedures and assessment of student performance in specific areas identified in USBE SER II.J.1-1

E. Reevaluation Procedures. (USBE SER II.G.)

1. Provo City School District conducts a reevaluation of each student with a disability when the educational or related services needs, including improved academic achievement and functional performance, of a student warrant a reevaluation; or if the student's parent or teacher requests a reevaluation.
2. Parental Consent for Reevaluations.
  - a) Provo City School District obtains informed parental consent prior to conducting any reevaluation of a student with a disability, if the reevaluation includes the administration of additional assessments to the student.
  - b) If the parent refuses to consent to the reevaluation, the LEA may, but is not required to, pursue the reevaluation by using the consent override procedures provided in the procedural safeguards, and including mediation or due process procedures.
  - c) The reevaluation may be conducted without parental consent if the school can demonstrate that it made reasonable attempts to obtain such consent and the student's parent has failed to respond. A written record of the attempts is maintained in the student's special education file.

F. Additional Requirements for Initial Evaluation and Reevaluation Procedures. (USBE SER II.H.)

1. As part of any initial evaluation (if appropriate) and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must review existing evaluation data on the student. This review may be conducted without a formal meeting. The special education teacher/case manager may review and discuss the existing data with team members and parent individually. Existing data may include evaluations and information provided by the parents of the student; current classroom-based, local or state assessments; and classroom-based observations; observations by teachers and related

services providers; grades; attendance, and other information regarding the student's current educational performance.

2. The IEP team and appropriate other qualified professionals, based on their data review and input from the student's parents, identifies what additional data, if any, are needed to determine whether the student is or continues to be a student with a disability and the educational needs of the student, and
  - a) The present levels of academic achievement and related developmental needs of the student;
  - b) Whether the student needs special education and related services; or, in the case of the reevaluation of the student, whether the student continues to need special education and related services; and
  - c) Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.
3. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine continuing eligibility and student needs, the parents are given Written Prior Notice of that decision and their right to request additional assessment. Provo City School District then prepares a new Summary Report and Eligibility Determination, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Summary Report and Eligibility Determination form is completed and signed by the team, and the parents are given Written Prior Notice of that determination along with a copy of the Summary Report and Eligibility Determination documents. Written Prior Notice is embedded in the Summary Report and Eligibility Determination document.
4. If the parent requests additional assessment as part of the reevaluation, Provo City School District conducts assessment in the areas of educational functioning requested. When the additional assessment is completed, Provo City School District then prepares a new summary report and Eligibility Determination, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Summary Report and Eligibility Determination form is completed and signed by the team, and the parents are given Written Prior Notice of that determination along with a copy of the Summary Report and Eligibility Determination and Eligibility Determination documents. Written Prior Notice is

embedded in the Summary Report and Eligibility Determination document.

5. Evaluation before change in eligibility.
  - a) Provo City School District evaluates students with disabilities before determining that students are no longer eligible for special education or special education and related services. However, an evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular diploma, or due to the student's reaching age 22, as provided under State law.
  - b) For a student whose eligibility terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for FAPE under State law, Provo City School District provides the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals.
6. Parental consent is not required before:
  - a) Reviewing existing data as part of an evaluation or reevaluation; or
  - b) Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

#### G. Evaluation Timelines.

1. An initial evaluation must be completed within 45 school days of the date the school receives parental consent for the evaluation.
2. Upon completion of the evaluation or reevaluation, the IEP team and other appropriate professionals determine eligibility within a reasonable time.
3. A reevaluation:
  - a) May not be conducted more than once a year, unless the parent and the LEA agree otherwise; and

- b) Must occur at least once every three (3) years, unless the parent and the LEA agree that a reevaluation is unnecessary.

#### H. Eligibility Determination.

##### 1. Notice of meeting

Upon completion of the evaluation, the special education teacher (case manager) arranges a meeting of the eligibility team at a mutually agreeable time and place. A Notice of Meeting will be sent to the parent and other members of the team stating the meeting purposes, time, place, who is expected to be in attendance, and letting the parent know that they may bring others who have knowledge of the student to the meeting.

##### 2. Evaluation Summary Report.

The special education case manager in collaboration with the school psychologist collects all of the results of the evaluation and writes a summary report of the evaluation information. This Evaluation Summary Report is part of the Provo City School District's Eligibility Determination for each disability category.

##### 3. Eligibility Team Membership.

The eligibility team shall include a group of qualified professionals and the parent. In Provo City School District, this may include the principal, special education teacher, general education teacher, speech-language pathologist, school psychologist, occupational therapist, physical therapist, and others who have conducted parts of the evaluation, as appropriate.

##### 4. Eligibility Categories, Definitions, and Criteria.

Provo City School District applies the definitions, evaluation requirements, and eligibility criteria for all categories of disability as written in USBE SER II.J.1-9 and 11-13. For the category of Specific Learning Disabilities, Provo City School District's method and procedures are described below.

###### a) Specific Learning Disabilities.

###### 1) Definition. (§300.8(c)(10))

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest

itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations, including conditions such as perceptual disabilities, brain dysfunction, dyslexia, and developmental aphasia, that affects a student's educational performance.

"Specific learning disability" does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; or intellectual disability; or emotional disturbance; or of environmental, cultural, or economic disadvantage.

2) Procedures for identifying students with Specific Learning Disabilities (§300.307)

- a) Provo City School District uses a Discrepancy Method for determining a student's eligibility under the specific learning disability category which includes:
- b) The student's performance on a standardized, norm-referenced, individually administered achievement measure in the area of the suspected disability, and
- c) That the student scored above the intellectual disability range on a standardized, norm-referenced, individually administered measure of intellectual ability, and
- d) The comparison of the standard scores on the tests of achievement and intellectual ability:
  - ~~• Must produce a report that states that the team can be 93 percent confident there is a severe discrepancy between the student's expected achievement score and the obtained achievement score, based on the Utah Estimator software, or~~
  - Must produce a report that shows significant discrepancy, based on a commercial software program that employs a clearly specified regression between the intelligence and achievement tests as well as the tests reliability, and
  - Must document consideration of the discrepancy report and the team's

determination of whether or not it represents a significant discrepancy.

- e) Other data must be considered and documented, such as tiered instruction.
- 3) Team members. (§300.308) The determination of whether a student suspected of having a specific learning disability is a student with a disability must be made by the student's parents and a team of qualified professionals, including:
- a) The student's regular teacher; or
  - b) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or
  - c) For a student of less than school age; an individual qualified by the USOE to teach a student of his or her age; and
  - d) At least one person qualified to conduct individual diagnostic examinations of students, such as school psychologist, speech/language pathologist, reading teacher or reading specialist, or special education teacher.
- 4) Determining the existence of a specific learning disability. (§300.309) The team described may determine that a student has a specific learning disability if:
- a) The student does not achieve adequately for the student's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards:
    - i. Oral expression;
    - ii. Listening comprehension;
    - iii. Written expression;
    - iv. Basic reading skills;

- v. Reading fluency skills;
  - vi. Reading comprehension;
  - vii. Mathematics calculations;
  - viii. Mathematics problem solving
- 5) Discrepancy Method. There is a severe discrepancy between the student's expected achievement score and the obtained achievement score in one or more of the areas identified in 10.b.(3) (USOE Special Education rules) when using a process based on the Discrepancy Method. (The team must refer to the USOE Specific Learning Disability Eligibility Guidelines when using this Method).
- 2) The group determines that its findings are not primarily the result of:
- A visual, hearing, or motor disability;
  - Intellectual disability;
  - Emotional disturbance;
  - Cultural factors;
  - Environmental or economic disadvantage;  
or
  - Limited English Proficiency.
- 4) The learning disability must adversely affect the student's educational performance.
- 5) The student with the learning disability must need special education and related services (§300.8 (a)).
- b) Evaluation (§300.309(b-c)).
- 1) To ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation:

- a) Data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
  - b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which is provided to the student's parents.
- 2) Provo City School District promptly requests parental consent to evaluate the student to determine if the student needs special education and related services, and must adhere to the forty-five (45) school day evaluation timeframe, unless extended by mutual written agreement of the student's parents and a group of qualified professionals;
- a) If prior to a referral, a student has not made adequate progress after an appropriate periods of time as determined by Provo City School District Special Education Procedures when provided appropriate instruction, and
  - b) Whenever a student is referred for an evaluation.
- 3) Observation (§300.310(a-c)). Provo City School District ensures that the student is observed in the student's learning environment (including the regular classroom setting) to document the student's academic performance and behavior in the areas of difficulty.
- a) The team must decide to:
    - 1) Use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an evaluation; or
    - 2) Have at least one member of the team conduct an observation of the student's academic performance in



the regular classroom after the student has been referred for an evaluation and parental consent is obtained.

- b) If the student is a home-schooled student, Provo City School District will determine how to conduct the observation and who will conduct it.
  - c) In the case of a student of less than school age or out of school, a group member must observe the student in an environment appropriate for the student of that age.
- 4) Specific documentation for the eligibility determination (§300.311). The team's documentation of the determination of eligibility with a specific learning disability must contain a statement of:
- a) Whether the student has a specific learning disability;
  - b) The basis for making the determination;
  - c) The relevant behavior, if any, noted during the observation of the student and the relationship of the behavior to the student's academic functioning;
  - d) The educationally relevant medical findings, if any;
  - e) Whether the student:
    - 1. Does not achieve adequately for the student's age or to meet State-approved grade-level standards; and
    - 2. Does not make sufficient progress to meet age or State-approved grade-level standards, Provo City School District's Special Education Procedures; and
    - 3. Obtains scores that demonstrate that a severe discrepancy exists between the student's achievement and intellectual ability in one or more of the areas of specific learning disability (Discrepancy).

- 5) The Determination of the team concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level; and
- 6) Response to intervention (RtI) Method.  
(§300.311(a)(7)) Provo City School District requires that a student has participated in a process that assesses the student's response to scientific, research-based intervention as part of determining if the student has a specific learning disability.
- 7) The requirements of Utah State Board of Education Special Education Rules II.D-H must be met.

c) Determining Eligibility

- 1) For an initial evaluation, Provo City School District administers appropriate assessments that meet all the criteria in section II of this manual. Provo City School District uses assessment results and other existing data including classroom observations, to determine possible gaps in learning.
- 2) An eligibility team consisting of parents and qualified professionals including the student's general education teacher and an individual qualified to conduct individual diagnostic examinations determines whether the student is a student with a Specific Learning Disability by reviewing all data, looking for gaps in learning, why interventions have failed, whether the disability has an adverse effect on educational performance, and if specialized instruction is needed for the student to succeed, in accordance with the eligibility determination requirements of USBE SER II.
- 3) Within 45 school days of receipt of signed written parental consent, all evaluations must be completed. Upon completions, the evaluation team must meet to review all the data, determine if there is any need for the additional data, make an eligibility determination, and complete the evaluation report (assuming no additional data is needed to make a determination). The comprehensive evaluation must include information from multiple sources in determining

SLD eligibility. Lack of progress in the RtI structure in and of itself is not sufficient to determine that a child is eligible as a child with a disability in the area of SLD.

5. Determining Eligibility (USBE SER II.)

a) Using the criteria for each category of disability as described above, the eligibility team shall determine:

- 1) Whether the student has a disability that
- 2) Adversely affects his educational performance, and
- 3) Whether the student requires special education or special education and related services.

Special education is defined (USBE SER I.38) as specially designed instruction to meet the unique needs of a student with a disability and may include related services if they meet the definition of special education. Specially designed instruction (USBE SER I.E.39) is adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability, and to ensure access of the student to the general curriculum, so that the student can meet educational standards of Provo City School District that apply to all students.

b) Disclaimers. (USBE SER) A student must not be determined to be a student with a disability if the determinant factor is:

- 1) Lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency);
- 2) Lack of appropriate instruction in math; or
- 3) Limited English proficiency.

c) The determination of eligibility is documented on the appropriate "Summary Report and Eligibility Determinations" form with signatures of team members.

- d) If the disability is determined to be a Specific Learning Disability, any team member who disagrees with the rest of the team's decision may put his reasons in writing.
  - e) Parents are provided with a copy of the Summary Report and Eligibility Determination document.
6. Evaluations before Change in Eligibility.
- a) The Provo City School District evaluates a student with a disability before determining that the student is no longer an eligible student with a disability.
  - b) An evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular high school diploma, or due to exceeding the age of eligibility for FAPE under Utah Law.
  - c) For a student whose eligibility terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility for FAPE under Utah law, Provo City School District provides the student with a summary of the student's academic achievement and functional performance, which includes recommendations on how to assist the student in meeting the student's postsecondary goals.

### III. IEP DEVELOPMENT AND SERVICE DELIVERY

#### A. IEP Team Meeting.

Within 30 calendar days of the determination of eligibility, the special education teacher/case manager shall arrange a meeting of the IEP team to develop an IEP at a place and time that is mutually convenient to the parent and the school. A Notice of Meeting will be sent to the parent and other members of the team stating the purposes, time, place, who is expected to be in attendance, and letting the parent know that the parent or the school may bring others who have knowledge or special expertise about the student to the meeting. The determination of knowledge or expertise of the invited person is made by the party who invited that person.

#### B. Parental Opportunity to Participate.

1. Parents are expected to be participants along with school team members in developing, reviewing, and revising the IEP. This includes providing critical information about needs and strengths of their student, contributing to discussions about the student's needs for special education, determining how the student will be involved and make progress in the general curriculum, deciding how the student will participate in the state and district wide assessments, and deciding what services Provo City School District will provide and in what settings.
2. Provo City School District documents in writing its attempts to get parental participation in IEP meetings. If the parent cannot attend, participation by other means such as teleconference may be used. Parents must be given whatever help they need to understand the proceedings of the IEP meetings, such as interpreters. If Provo City School District cannot obtain parental participation, it proceeds with the development of the IEP as required by Part B of the IDEA and USBE SER.

#### C. IEP Team.

The team shall consist of the parent, the special education teacher and regular education teacher of the student, a representative of Provo City School District, a person who can interpret the results of the evaluation, and the student when appropriate. Other team members may be added when they are likely to provide services to the student. The representative of Provo City School District must meet Provo City School District's administrator standards, and have knowledge of the general education curriculum and availability of resources of Provo City School District.

D. IEP Team Attendance. (USBE SER III.F)

1. A required member of the IEP team is not required to attend all or part of a particular IEP team meeting if the parent of the student with a disability and Provo City School District agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.
2. A required member of the IEP team may be excused from attending all or part of a particular IEP meeting when the meeting does involve a modification to or discussion of the member's area of the curriculum or related services, if the parent and Provo City School District consent to the excusal in writing; and the member submits written input into the development of the IEP to the parent and the IEP team, prior to the meeting.

E. IEP Timelines.

1. An IEP is in effect for each identified student with a disability prior to the beginning of the school year.
2. Each student's IEP is reviewed and revised at least annually. The IEP Team reviews the IEP at least annually to determine whether the annual goals for the student are being achieved. The Team may decide to meet at the request of the parent or other IEP Team member to revise the IEP to address lack of expected progress toward annual goals and lack of progress in the general curriculum, the results of any reevaluation, information about the student provided to or by the parents, the student's anticipated needs, or other matters.
3. An IEP is developed within 30 calendar days of initial determination that a student is an eligible student with a disability.
4. Once parental consent is obtained for the initial provision of special education or special education and related services, and supplementary aids and services, all services in the IEP are provided as soon as possible.

F. Transfer Students.

Provo City School District provides a student transferring from another LEA in or out of the state with comparable services to those listed on an existing IEP while it determines next needed steps in accordance with the In-State and out-of-State Transfer Student Checklist of the USOE.

G. IEP Development and Content.

1. The IEP Team will develop an IEP that is reasonably calculated to confer a free appropriate public education for the student.
2. In developing the IEP, the IEP team must consider the student's strengths, parental concerns, evaluation results, academic developmental and functional needs, and special factors.
3. The IEP must include:
  - a) A statement of the student's present level of academic achievement and functional performance, including baseline data on his achievement and how the student's disability affects his access and progress in the general curriculum for his age or grade level. For preschool students, goals will be based on appropriate activities.
  - b) Measurable annual goals and, for students who are assessed using Utah's Alternate Assessment, short term objectives, based on the present level statement that enable the student to be involved and make progress in the general education curriculum and addressing each of the students educational needs resulting from the student's disability.
  - c) How progress on the goals will be measured and reported to the parents on a periodic basis.
  - d) The special education and related services, and the supplementary aides and services, the student needs to address his goals and make progress in the general curriculum. The services are based on peer-reviewed research to the extent practical.
  - e) Program modifications and supports for the student and the teacher in the regular education classroom.
  - f) The dates that services, accommodations, and program modifications will begin and end (no more than one year from the date of the IEP); and the frequency, location and amount of each service listed. Services listed must be specific, such as "reading comprehension," not "resource."
  - g) Consideration of special factors as follows:
    - 1) In the case of a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP;

- 2) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;
- 3) Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for the direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
- 4) Consider whether the student needs assistive technology devices and services; and
- 5) In the case of the student whose behavior impedes the student's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
  - a) When making decisions on behavioral interventions, the IEP team must refer to the *USOE Special Education Least Restrictive Behavior Interventions (LRBI) Guidelines* for information on research-based intervention procedures in order to protect the safety and well-being of students with disabilities, provide protection for students, teacher, other school personnel, Provo City School District, and the USOE, and ensure that parents are involved in the consideration and selection of behavior interventions to be used with their students.
  - b) When an emergency situation occurs that requires the immediate use of moderately or highly intrusive intervention to protect the student or others from harm, the staff shall complete and submit the emergency contact information to the Provo City School District



Behavior Support Team and principal and notify the student's parents within 24 hours.

- c) As appropriate, the student should receive a functional behavioral assessment and behavior intervention services and modifications that are designed to address the behavior.
- h) If the IEP team in considering the special factors described above decides that a student needs a particular device or services for educational purposes, which could be an intervention, accommodation, or other program modification in order to receive a FAPE, the team must include these in the IEP.
- i) How the student will participate in district-wide and statewide assessments. While every student with a disability must participate, an individual student may be determined to participate with some accommodations based on his disability, or with modifications. Students who have the most significant cognitive disabilities, and meet other criteria in the USOE Assessment Participation and Accommodation Policy, may be assessed with Utah's Alternate Assessment (UAA). The IEP Team must indicate this on the IEP Assessment Addendum, along with the reason that the student cannot otherwise participate in the statewide assessment program.
- j) In addition to the required elements of the statewide to the required elements of the statewide assessment program, Provo City School District administers district wide assessments. All students, including eligible students with disabilities, are included in these assessments. Students with disabilities may participate in the assessments with appropriate accommodations and modifications as determined by the IEP Team and documented in the student's IEP. Alternate assessments for individual students, as determined by the student's IEP Team and documented in the student's IEP, are provided for students who cannot participate in the district wide assessments in any other way.
- k) How the student will participate in physical education services, specially designed or adapted if necessary.
- l) Each IEP team must determine whether the student will need Extended School Year (ESY) services in order to receive a free appropriate public education.

- 1) Most students demonstrate regression and recoupment. ESY is most typically only for those students who require an extended school year to remain in their current least restrictive environment placement when they return to school and/or for students whose attainment of their expected level of self-sufficiency and independence is unlikely, in view of their disabilities, without ESY services. The IEP teams will use a regression and recoupment model. They will need to collect this data using natural breaks in the school year when there is no school.
  - a) If the student's recovery from measured regression on pinpointed skills directly related to the IEP goals takes so long that he would not receive FAPE without services during the summer or other school break, the IEP Team must find him eligible for ESY services.
- 2) The IEP Team shall develop a written Prior Notice of the Extended School Year document that indicates which IEP goals the student will work on during the ESY, what services will be provided, how long and how often ESY services will be provided and the setting(s) in which the services will be provided.

m) Assistive Technology.

Provo City School District makes assistive technology devices or assistive technology services, or both available to a student with a disability if required as part of the student's special education, related services, or supplemental aides and services. School-purchased assistive technology devices may be used in the student's home, if the IEP Team determines, on a case-by-case basis, that assistive technology in the home is required for the student to receive a FAPE.

H. IEP Team Access to IEP Information

1. Provo City School District special education teachers make the student's IEP accessible to each general education teacher, special education teacher, related service provider, and other service providers who are responsible for its implementation. Each teacher and provider is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and

supports that must be provided for the student in accordance with the IEP.

- I. Placement in the Least Restrictive Environment (LRE). (USBE SER III.P)
  1. Placement decisions are made by a group of persons, including the parents and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. This group may be the IEP Team, including the parent. The group determines the placement on the continuum of placement options where the student will receive special education or special education and related services.
  2. Provo City School District ensures that the parents of each student are members of any group that makes decisions on the education placement of their student. If unable to get the parents to participate, after repeated and documented attempts, the team may need to proceed with a placement decision. However, no initial placement and provision of services may be put in place without written parental consent.
  3. Placement is determined at least annually, based on the student's present levels of performance, goals, services, and program modifications as detailed in the IEP.
  4. Identified students with disabilities shall receive the special education of special education and related services in the Least Restrictive Environment to the maximum extent appropriate to meet the student's needs. This means that the student will not be removed from the regular education classroom, with regular education peers, unless the IEP Team determines that due to the nature and severity of the disability, the student's educational needs cannot be addressed satisfactorily in the regular education environment, even with the use of supplementary aids and services.
  5. Provo City School District provides the IDEA required range of placement options, including placement in the regular education classroom, with or without itinerant services; placement in a special class; placement in a special school placement in a residential program, and homebound or hospitalized placement.
  6. Provo City School District provides supplementary services, such as resource or itinerant instruction, in conjunction with placement in the regular education classroom, when needed.

J. Nonacademic Settings, Activities, and Services. (USBE SER III.U-V)

1. Provo City School District, through the IEP process including the provision of supplementary aids and services, provides eligible students with disabilities nonacademic and extracurricular services and activities in the manner necessary to afford eligible students with disabilities an equal opportunity for participation in those services and activities.
2. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Provo City School District, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by Provo City School District and assistance in making outside employment available.

K. Parental Consent for Initial Placement and Provision of Services. (USBE SER III.T)

1. In order for the IEP to be implemented and the special education services the team has decided on to begin, written parental consent must be obtained. If the parent refuses consent for the provision of those services, Provo City School District may not implement the IEP and may not access due process procedures.
2. ~~Provo City School District does not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of Provo City School District.~~
3. If, at any time subsequent to the initial provision of special education and related services, the parent(s) of a student revokes consent in writing for the continued provision of special education and related services, Provo City School District may not continue to provide special education and related services, may not implement due process procedures, and is not required to convene an IEP team meeting to develop an IEP.
4. Consent means that the parent(s) understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.
  - a) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

L. Documentation of Participation.

1. All members of the IEP team will sign the IEP document indicating that they participated in the development of the IEP. A parent's signature on the IEP does not mean that the parent is in full agreement with the content of the IEP and does not abrogate the parental right to access the Procedural Safeguards on the IDEA.
2. If Provo City School District, despite at least two documented attempts, is unsuccessful in having parental attendance at the meeting, the rest of the IEP team shall proceed with the meeting.
3. Parents may participate via telephone conference or videoconference.
4. Parents will be provided with a copy of the completed IEP, and Written Prior Notice of Provo City School District's intent to implement the program and services in the IEP. This Notice is embedded in the IEP form.

M. Changes to the IEP.

1. Changes to the IEP may be made at the request of any member of the IEP Team in a meeting or by amendment to the existing IEP.
2. Changes may be needed if there is new information about the student's performance.
3. Amendments to the IEP without a team meeting may be made only with the agreement of Provo City School District and the parent.
  - a) Amendments that include minor changes in the amount of a special education or related service, a minor change of location, or a goal change that is the next logical step forward or backwards and is based on the student's progress may be made without a team meeting.
  - b) If the amendment involves a move on the continuum of Least Restrictive Environment placement options, or the amount of services is significantly changed, or a service is to be added or eliminated, an IEP Team meeting is held with a Notice of Meeting to all team members.
4. The parent will be provided with a copy of the amended IEP including Written Prior Notice that these additional actions or changes in actions are going to be implemented.

N. Transition from Part C to Part B. (USBE SER VII.A)

1. For students ages 3-5, the Provo City School District follows these policies and procedures:
  - a) Every eligible student has an IEP developed and being implemented by the student's third birthday;
  - b) If a student's third birthday occurs after the end of the school year, the student's IEP team determines the date in the next school year when services under the IEP will begin, unless the IEP team determines that Extended School Year services are needed; and
  - c) A representative of Provo City School District participates in transition planning conferences arranged by the designated lead agency or Part C.
  - d) In developing the IEP for the student with a disability ages 3 through 5 or, at the discretion of Provo City School District a two-year-old student with a disability who will turn age 3 during the school year, the IEP team must consider the contents of the Part C Individual Family Services Plan (IFSP).
  - e) In the case of the student who was previously served under Part C of the IDEA, the parent may request that an invitation to the initial IEP meeting be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services. Upon such request, Provo City School District shall provide the Notice of Meeting to the Part C representative.

O. Transition from School to Post-School Settings. (USBE SER VII.B)

1. For a student with a disability beginning not later than the first IEP to be in effect when the student turns 16 (such as in an IEP meeting conducted when the student is 15 years old), or younger if determined appropriate by the IEP Team, the Notice of Meeting indicates that a purpose of the meeting is the consideration of the postsecondary goals and transition services for the student, that Provo City School District will invite the student and identifies any other agency that will be invited, with the consent of the parents or student age 18 or older, to send a representative.
  - a) If the student does not attend the IEP meeting, Provo City School District takes other steps to ensure that the student's preferences and interests are considered.

2. Transition services.

Beginning not later than the first IEP to be in effect when the student turns 16 (such as in an IEP meeting conducted when the student is 15 years old), or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP includes:

- a) Appropriate measurable postsecondary goals, including academic and functional goals, based upon age-appropriate transition assessments related to training or education, employment and, where appropriate, independent living skills;
- b) The transition services, including courses of study, needed to assist the student in reaching the student's post-secondary goals.

3. Transfer of rights at age of majority.

- a) Beginning not later than one year before the student reaches the age of majority (age 18), the IEP must include a statement that the student and the student's parents have been informed of the student's rights under Part B of the IDEA that will transfer to the student on reaching the age of majority (except for the student with a disability who has been determined to be incompetent by a court). These rights include:
  - 1) An adult student has the right to approve the student's own educational placement and Individualized Education Program (IEP) without the help from the parents, family, or special advocates.
  - 2) An adult student has the right to allow parents, family, or special advocates to help if the student so desires.
- b) Provo City School District provides any notice required by Part B of the IDEA and these Rules to both the student and the parents.
- c) All rights accorded to the parents under Part B of the IDEA transfer to the student.
- d) All rights accorded to the parents under Part B of the IDEA transfer to the students who are incarcerated in an adult or juvenile, State or local correctional institution.

P. Graduation. (USBE SER VII.C)

1. Provo City School District is not obligated to make FAPE available to students with disabilities who have graduated from high school with a regular high school diploma.
  - a) The exception above does not apply to students that have graduated from high school but have not been awarded a regular high school diploma, even if they have received an alternative degree that is not fully aligned with the State’s academic standards, such as certificate of completion or general educational development credential (GED).
  - b) Graduation from high school with a regular high school diploma is a change in placement, requiring Written Prior Notice, containing all the requirements of WPN, and is given to terminate the student’s eligibility under the IDEA by issuing the student a diploma.
2. The IEP Team may amend graduation requirements and must document in the IEP the nature and extent of any modifications, substitutions, and/or exemptions made to accommodate the needs of a student with disabilities.
3. The IEP teams in Provo City School District must refer to the USOE Special Education Graduation Guidelines for additional information.

Q. Least Restrictive Behavior Interventions (LRBI).

Provo City School District must refer to the USOE LRBI Guidelines as written. The Provo City School District also implements the following procedures:

1. Emergency Situations: When an emergency situation occurs that requires the immediate use of highly intrusive individual interventions to protect the student or others from harm, the staff shall complete and submit the emergency contact information to the Behavior Support Team and notify the student’s parents within 24 hours. Utah State Office of Education Rules III (b)(5)(c).
  - a) In an emergency situation, school staff may intervene using a moderate to intensive (highly intrusive intervention) to ensure the safety of students and staff.

<b>Emergency Situation</b>	<b>Definition</b>
Danger to others	Physical violence/aggression toward others with sufficient



	force to cause bodily harm
Danger to self	Severe destruction or physical abuse of property resulting in substantial monetary loss
Severe destruction of property	Severe destruction or physical abuse of property resulting in substantial monetary loss
Threatened abuse toward others, self, or property	Substantial evidence of past threats leading to any of the behaviors defined as danger to others, danger to self, or severe destruction of property

- b) Provo City School District provides MASS training to employees to ensure that appropriate behavior management is occurring in the classroom.
  - c) Each School will submit emergency contact information using the USOE LRBI Guidelines Emergency Contact Form within 24 hours to the Provo City School District Behavior Support Team.
  - d) Parents will be notified of the emergency contact within 24 hours.
2. Pattern of Behavior: If a behavior requiring emergency procedures occurs more than once per week, two times in a month, or four times a year, the behavior should no longer be considered an emergency or crisis and should be addressed in the IEP and/or BIP. Additionally, the allowable instances of a behavior requiring emergency procedures are cumulative in number, regardless of whether different highly intrusive individual intervention (Few) is used.
  3. Dispute Resolution/Appeals Process: Provo City School District follows the Dispute Resolution requirements of the USBE SER described in IV.G-U as written. These include the procedures for state Complaints, Medication, Due Process Complaints, Attorney’s Fees, and Student’s Status during Proceedings.
  4. Provisions for Staff Training: Provo City School District will provide ongoing professional development related to the USBE Special Education Rules, the USOE LRBI Guidelines, and the Provo City School District Special Education Policies and Procedures Manual to staff.
  5. Procedures for Monitoring LRBI Policies.

- a) The Behavior Support Team will review all Emergency Contact forms for verification that procedures were followed. If procedures were not followed, intensive professional development will be provided.
- b) The School Psychology Team and the Behavior Support Team Director for appropriate selection of interventions will review all Behavior Intervention Plans that include intensive interventions.

R. Students with Disabilities in Other Settings. (USBE SER VI)  
Provo City School District has adopted all of the rules for students with disabilities in other settings as found in USBE SER VI. 117-133.

#### IV. PROCEDURAL SAFEGUARDS

Provo City School District, consistent with the requirements of Part B of the IDEA and the USBE Special Education Rules, has established, maintains, and implements Procedural Safeguards for students with disabilities and their parents.

##### A. Opportunity for Parental Participation in Meetings.

Provo City School District affords parents the opportunity to participate in all decisions related to the location, identification, evaluation, and provision of FAPE for their student, including decisions related to the Discipline requirements of Part B of the IDEA. This includes arranging meetings at a mutually agreed upon time and place, providing a Notice of Meeting, and making at least two documented attempts to obtain parent participation in meetings.

##### B. Independent Educational Evaluation (IEE). (USBE SER IV.C)

- 1. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by Provo City School District.
- 2. Provo City School District has established and implements the following procedures related to independent educational evaluations that meet the requirements of Part B of the IDEA and the USBE SER.
  - a) The parents of a student with a disability have the right to obtain an independent educational evaluation of the student at public expense if they disagree with an evaluation obtained by Provo City School District.

- b) Provo City School District provides parents, upon request for an independent educational evaluation (IEE), information about where an independent educational evaluation may be obtained, and Provo City School District's criteria applicable for independent educational evaluations. Provo City School District has available a list of persons and/or agencies where the IEE may be obtained by the parent. In addition, Provo City School District considers any other evaluator or agency proposed by the parent to conduct the IEE if the examiner and evaluation meet Provo City School District's criteria. A qualified examiner is one who meets the USOE criteria for qualified personnel as a special education teacher, school psychologist, psychologist with expertise in administration and analysis of assessments, or other equivalent qualifications as determined by the Provo City School District. Criteria for the evaluation are that the evaluation procedures meet all of the same standards as those listed in Section II.D-H of this Policy and Procedures Manual. Provo City School District either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
  - c) Provo City School District ensures that when a parent request an IEE, either Provo City School District files a due process complaint to request a hearing to show that is evaluation is appropriate, or that the independent educational evaluation is provided at public expense, unless the evaluation obtained by the parent does not meet Provo City School District criteria as described above. If a due process complaint decision finds the Provo City School District evaluation was appropriate, an IEE obtained by the parent is considered by the team, but is not provided at public expense.
  - d) Additional protections for the parent of a student with a disability and for Provo City School District are followed as written in USBE SER IV.C.3(c-h).
3. An independent educational evaluation conducted at Provo City School District's expense becomes the property of Provo City School District in its entirety.

#### C. Written Prior Notice.

Provo City School District provides Written Prior Notice to parents a reasonable time before it proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or provision of a free appropriate public education to the student. The notice includes: a

description of the action proposed or refused, an explanation of reasons for the proposal or refusal, a description of evaluations or other information the proposal or refusal is based on, a statement that the parents and eligible student have protection under the Procedural Safeguards and how to obtain a copy of the safeguards, sources of assistance to understand Part B of the IDEA, a description of other options the IEP Team considered and why the other options were rejected, and a description of other relevant factors to the proposal or refusal. The Written Prior Notice is provided in understandable language and in the parents' native language or other mode of communication unless it is clearly not feasible to do so.

#### D. Procedural Safeguards Notice.

A copy of the Procedural Safeguards is given to the parent once a year, usually at the annual IEP review, except that a copy also is given to the parent upon initial referral or parental request for evaluation, upon receipt of the first State complaint or due process complaint in that year, and upon request by the parent at any time. Provo City School District uses the USOE Procedural Safeguards Notice that is posted on the USOE website, [www.schools.utah.gov](http://www.schools.utah.gov). The special education teacher/case manager provides a brief explanation of the main provisions of the procedural safeguards to the parents at consent for evaluation, eligibility determination, and annual IEP meetings.

This notice contains an explanation of the procedural safeguards related to independent educational evaluations, written prior notice, parental consent, access to educational records, opportunity to present and resolve complaints through State Complaint or due process complaint procedures, opportunity for Provo City School District to resolve the complaint, availability of mediation, student's placement during pendency of hearings, procedures for students placed in an interim alternative educational setting, requirements for unilateral placement of student in private schools at public expense, hearings on due process complaints, civil actions, attorney's fees. This notice is in language understandable to the parents.

#### E. Parental Consent.

Informed written parental consent is obtained for evaluation and reevaluation, initial placement/provision of special education, and for release of records to certain parties. Efforts to obtain consent are documented in writing. No student receives special education or special education and related services without the signed initial consent for placement in the student file. Other relevant parental consent requirements are addressed in Sections II and III of this Policies and Procedures Manual.

#### F. Dispute Resolution.

Provo City School District follows the Dispute Resolution requirements of the USBE SER described in IV. G-U as written. These include the procedures for state complaints, Mediation, Due Process Complaints, Resolution Process, Due Process Hearings, Civil Actions, Attorney's Fees, and Student's Status during Proceedings.

G. Surrogate Parents.

Provo City School District assigns a surrogate parent for a student when the parent cannot be identified or cannot be located, the parent's right to make educational decisions has been taken away by a court, the student is a ward of the state, or the student is an unaccompanied homeless youth. The surrogate parent meets the requirements of the USBE SER IV.V.5-8. Provo City School District contacts the USOE for assistance in obtaining the names of trained surrogates and maintains a list of the surrogate parents who are available when needed.

H. Transfer of Rights.

When a student reaches age 18, the age of majority in Utah, and has not been determined incompetent under State law, all rights accorded to parents under Part B of the IDEA and USBE SER transfer to the student. Provo City School District provides written notice of this transfer of rights at least one year prior to the student's 18<sup>th</sup> birthday.

I. Confidentiality of Information.

Provo City School District takes appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records it collects or maintains related to Part B of the IDEA.

1. Definitions. As used in these safeguards:

- a) Destruction means physical destruction or removal of personal identifiers from information so that information is no longer personally identifiable.
- b) Education records means the type of records covered under the definition of "education records" in 34 CFR 99, implementing regulations for the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g (FERPA).
- c) Participating agency means any agency or institution that collects, maintains or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

2. Access Rights.

- a) Provo City School District permits parents to inspect and review any education records relating to their student that are collected, maintained, or used by Provo City School District. Provo City School District complies with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing, or resolution session, and in no case more than 45 calendar days after the request has been made.
  - b) The right to inspect and review education records includes the right to:
    - 1) A response from Provo City School District to reasonable requests for explanations and interpretations of the records;
    - 2) Request that Provo City School District provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
    - 3) Have a representative of the parent inspect and review the records.
  - c) Provo City School District may presume that the parent has authority to inspect and review records relating to his or her student unless the school has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separations, and divorce.
3. Record of access.

Provo City School District keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of Provo City School District), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. If any education record includes information on more than one student, Provo City School District ensures that the parent of the student has the right to inspect and review only the information relating to their student or to be informed of that specific information.

4. List of types and locations of information.  
On request, Provo City School District ensures that the parent of a student has the right to inspect and review only the

information relating to their student or to be informed of that specific information.

5. Fees.

Provo City School District may charge a fee for copies of records that are made for parents under Part B of the IDEA if the fee does not effectively prevent the parents from the exercising their right to inspect and review those records. However, it may not charge a fee to search for or to retrieve information under Part B of the IDEA.

6. Amendment of records at parent's request.

- a) A parent who believes that information in the education records collected, maintained, or used under Part B of the IDEA is inaccurate or misleading or violates the privacy or other rights of the student may request Provo City School District to amend the information. Provo City School District must decide whether to amend the information within a reasonable period of time of receipt of the request. If Provo City School District decides to refuse to amend the information, it must inform the parent of the refusal and advise the parent of the right to a hearing on the matter.
- b) Provo City School District, on request, provides an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. If, as a result of the hearing, Provo City School District decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it must amend the information accordingly and so inform the parent in writing.

If as a result of the hearing, Provo City School District decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must inform the parent of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of Provo City School District. Any explanation placed in the records of the student under this section must be maintained by Provo City School District as part of the records of the student as long as the record or contested portion is maintained; and if the records of the student or the contested portion is disclosed by Provo City School District to any party, the explanation must also be disclosed to the

party. Provo City School District follows the hearing procedures described in USBE SER IV.12 as written.

7. Release and disclosure of records.

Parental consent is not required for disclosure of records to officials of agencies collecting or using information under the requirements of Part B of the IDEA, to other school officials, including teachers within the school who have been determined by Provo City School District to have legitimate educational interests, to officials of another school or school site in which the student seeks or intends to enroll, or for disclosures addressed in referral to and an action by law enforcement and judicial authorities, for which parental consent is not required by 34 CFR 99.

(All Utah Local Education Agencies (LEAs) include in the annual procedural safeguards notice that it is their policy to forward educational records of the student with disabilities without parental consent or notice to officials of another school or school district in which a student seeks or intends to enroll.

8. Safeguards.

- a) Provo City School District protects the confidentiality of the personally identifiable information at collection, storage, disclosure, and destruction stages.
- b) The Special Education Director of Provo City School District assumes responsibility for ensuring the confidentiality of any personally identifiable information.
- c) Staff members at Provo City School District who collect or use personally identifiable information receive training or instruction regarding the State's policies and procedures in USBE SER IV.X and 34 CFR 99 on an ongoing basis.
- d) Provo City School District maintains, for public inspection, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information on students with disabilities. This list is posted on the cabinet in which student's special education files are maintained and updated annually.

9. Destruction of information.

Provo City School District informs parents or the student age 18 or older when personally identifiable information collected, maintain, or used under Part B of the IDEA is no longer needed to provide education services to the student. Information no



longer needed must be destroyed at the request of the parents or student age 18 or older. However, 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 may be maintained without time limitation. Each student's records may be considered "no longer needed to provide educational services" and may be destroyed three (3) years after the student graduates or three (3) years after the student turns 22.

10. Students' rights.

The rights of privacy afforded to parents are transferred to the student who reaches the age of 18, providing the student has not been declared incompetent by a court order, including the rights with regard to education records.

J. Discipline.

Provo City School District follows the Discipline requirements and procedures described in USBE SER V.A-K as written.

V. LEA ELIGIBILITY AND RESPONSIBILITIES

A. Participation in assessments and reporting of assessments results.

All students enrolled in Provo City School District, including students with disabilities, participate in the statewide testing program and the school-wide testing program. Participation requirements in the USOE Assessment Participation and Accommodation Policy are followed. The IEP Team determines how a student with disabilities will participate, and accommodations needed, if any. Results of statewide assessments are posted on the USOE website annually.

B. Public participation in policies and procedures development.

This Policy and Procedures Manual, as well as any future changes to the contents, are presented to the Provo City School District Board of Education in a public meeting for review and input. The agenda for Provo City School District board meetings is posted at least one week prior to each meeting as required by state law.

C. Public posting of USOE monitoring results.

Results of monitoring from the Utah Program Improvement Planning System are posted on the USOE website annually.

D. Methods of ensuring services.

Provo City School District ensures that each eligible student with a disability enrolled in the District receives the services included in the IEP through a systematic process of review of IEPs and monitoring of service delivery by Provo City School District personnel and contracted service providers.

E. Supervision.

Appropriately qualified staff as determined by the Provo City School District Board of Education supervises all personnel of Provo City School District.

F. Use of Part B funds.

Provo City School District follows the requirements of USBE SER IX.B of the IDEA. Provo City School District participates in the single audit process required by State Law that includes an audit of Part B funds.

G. Personnel standards.

All special education and related services personnel of Provo City School District meet the educator licensing requirements of the USOE for the positions in which they work, as described in the USBE SER IX.H and the Highly Qualified requirements of the USOE State Plan under No Child Left Behind and Educator Licensing – Highly Qualified Assignment (Administrative Rule R-277-510-1 through 11). All personnel necessary to carry out Part B of the IDEA are appropriately and adequately prepared, subject to the requirements related to personnel based on the identified skill and knowledge needs of teachers, assistants, related service providers, and other, and including targeted training for persons working with students with specific and individual needs for academic and social behavior instruction.

H. Performance goals and indicators in the State Performance Plan.

Provo City School District participates in additional procedures and collects and provides additional information which the USOE may require in order to meet Federal reporting requirements, including suspension and expulsion rates, LRE environments, disproportionality data, and others. (USBE SER IX.A2).

I. Early Intervening Services.

Provo City School District uses not more than 15 percent of the amount it receives under Part B of the IDEA for any fiscal year, in combination with other amounts to develop and implement coordinated early intervening services, but who need additional academic and behavioral support to succeed in general education environment. These funds are used to carry out activities including professional development that enables school personnel to deliver scientifically based academic and

behavioral interventions, as well as educational and behavioral evaluations, services and support.

Provo City School District provides any and all required data on its early Intervening Services to the USOE.

J. Caseload Guidelines.

Provo City School District refers to the USOE Caseload Guidelines in overseeing the caseload of each special educator, including related service providers, to ensure that a FAPE is available to all eligible students with disabilities.

K. Enforcement.

The confidentiality requirements of Part B of the IDEA are reviewed and approved as part of the LEA eligibility process.