

**IDEA-B ENTITLEMENT, PRESCHOOL, WEIGHTED CHILD COUNT
GRANT APPLICATIONS: 2004-2005**

Applicant/member district: Gadsden Independent School District
Name of LEA (For RECs, submit this page for each member district)

Submission Statement: This application was submitted to the local school board of the GISD school district on May 27th, 2004, and the district has elected to submit this application for the purpose of maximizing resources in meeting fully all obligations to children with disabilities of the district under the Individuals with Disabilities Education Act-Part B. **In conjunction with this submission, I certify that all assurances that follow have been met.**

Superintendent's signature

Date

1. Cash Disbursements and Expenditure Reporting: The applicant acknowledges that cash will be disbursed via a monthly wire that is 1/12 of the approved budget. In addition, the applicant assures that expenditures will be reported electronically on December 31, 2004 and June 30, 2005 via the formatted spreadsheet provided by the PED.

The authorized agent for submitting expenditures for the applicant is as follows:

Name Laura A. Garcia

Email address lagarcia@gisd.k12.nm.us

Telephone 505-882-6241

2. Public Information: The applicant will make available to parents of children with disabilities and to the general public all documents relating to the applicant's Part B eligibility. [20 U.S.C. §1413(a)(7); 34 C.F.R. §300.242]

Please list the names of parents of students with disabilities who are not employees of the district who participated in the development of this application:

>Sara Escamilla, Danny Saenz, Concha Saenz, Andrew McRae, Susan Riestra,
Norma Reyes, Priscilla Salinas, Maria Barrera, Carlos Barrera, Ricardo Riestra, Maggie Herrera,

3. Federal Program General Assurances: The applicant assures that it has Federal Program General Assurances on file with the New Mexico Public Education Department. The applicant acknowledges that the Federal Program General Assurances are incorporated herein by

reference as though fully set forth herein.

4. P.L. 81-874: The applicant assures that any P.L. 81-874 add-on funds which it may receive for the benefit of students with disabilities will be spent in accordance with the federal regulations governing that program.
5. Compliance With IDEA as Amended: The applicant assures that it will comply with all applicable requirements of the Individuals with Disabilities Education Act (IDEA) Parts A and B, Title 20 United States Code, Sections 1401-ff., as amended (Public Law 105-17, 1997), and the implementing regulations, Title 34 Code of Federal Regulations, Sections 300.1-ff., as amended (Federal Register Vol. 64 No. 48, pages 12406-ff., March 12, 1999).
6. Consistency with State Policies: The applicant, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures and programs that are consistent with all applicable state policies and procedures established under 20 U.S.C. §1412. [20 U.S.C. §1413(a)(1); 34 C.F.R. §300.220]
7. Use of Part B Funds -- Nonsupplanting and Maintenance of Effort: IDEA Part B funds received by the applicant will be used only to pay the excess costs of providing special education and related services to children with disabilities and to supplement and not supplant state, local and other Federal funds. Except as provided in 20 U.S.C. §§1413(a)(2) and 1413(a)(4), Part B funds will not be used to reduce the level of the applicant's expenditures from state and local funds for the education of children with disabilities below the level of those expenditures for the preceding fiscal year. [20 U.S.C. §§1413(a)(2), 1413(a)(4); 34 C.F.R. §§300.184-185, 300.230-235]
8. Personnel Development: The applicant will ensure that all personnel necessary to carry out its Part B obligations are appropriately and adequately prepared. The applicant will contribute to and use the state's comprehensive system of personnel development to the extent that the applicant determines appropriate. [20 U.S.C. §1413(a)(3); 34 C.F.R. §§300.135, 300.221]
9. Charter Schools: With respect to any public charter school that is under the applicant's administrative control and direction, the applicant serves children with disabilities attending those schools in the same manner as it serves children with disabilities in its other schools and provides Part B funds to those schools in the same manner as it provides those funds to its other schools. [20 U.S.C. §1413(a)(5); 34 C.F.R. §300.241]
10. Information for NMPED: The applicant will provide NMPED with the information which NMPED regards as necessary to carry out its duties under Part B. Such information will include, with respect to 20 U.S.C. §§1412(a)(16) and (17), information relating to the performance of children with disabilities participating in Part B programs. Such information shall also include, with respect to 20 U.S.C. §1412(a)(22), such data as NMPED deems necessary to carry out its duty to determine if significant discrepancies exist between the rates of long-term suspensions and expulsions of children with and without disabilities. [20 U.S.C. §1413(a)(6); 34 C.F.R. §300.240]
11. Equitable Access: The applicant provides equitable access and participation in all IDEA program benefits and activities, regardless of gender, race, national origin, color, disability, and age. {Section 427 of General Education Provisions Act of Improving America's Schools Act of 1994 (P.L. 103-382)}

OBJECTIVE 1: DIRECT INSTRUCTION AND EXTENDED SCHOOL YEAR

Please mark those items for which the applicant has budgeted funds.

- Employment of special education teachers, substitute teachers, and special education aides who work with students with disabilities
- Stipends for general education teachers and aides involved in special education related activities for students with disabilities
- Purchased services that are directly associated with the teaching of students with disabilities
- Purchase of educational supplies, materials, curriculum, and software directly involved with implementing IEPs for students with disabilities
- Training costs for general and special education teachers and aides when related to improving instruction for students with disabilities
- Transportation costs other than to and from school for students with disabilities when related to implementing IEPs
- Purchase of educational equipment used in direct instruction of students with disabilities
- Costs related to extended school year service for students with disabilities

Prior approval required for purchases of \$1000 or more per unit out of 01.6411. There is no expectation that the applicant will be able to identify equipment purchases for 2004-05 at the time of application approval. However, as the need for equipment becomes apparent during 2004-05, please fax the EQUIPMENT FOR SPECIAL EDUCATION FOR STUDENTS WITH DISABILITIES form listing the item(s) the applicant plans to purchase. The page will be faxed back to the applicant with approval noted within 24 hours in most cases. Do this each time a purchase of \$1000 or more per unit out of 01.6411 is anticipated.

OBJECTIVE 2: INSTRUCTIONAL SUPPORT

Please mark those items for which the applicant has budgeted funds.

- Employment of supervisors of special education for students with disabilities
- Employment of related service providers who work with students with disabilities
- Employment of other professional staff who support students with disabilities
- Employment of support staff who work on special education related duties for students with disabilities
- Contracting for related service personnel
- Contracting for consultants to improve and support special education services for students with disabilities
- Stipends for students with disabilities in work-study programs
- Stipends for non-employees (including parents) who are involved in special education related activities for students with disabilities
- Other purchased services related to special education activities for students with disabilities
- Purchase of educational supplies, materials, curriculum, and software supporting services for students with disabilities
- Training costs for related service providers and other professional and support staff when training is related to improving services for students with disabilities
- Transportation costs other than to and from school for students with disabilities when related to implementing IEPs
- Travel costs for parents of students with disabilities when travel is related to special education related activities for students with disabilities
- Purchase of educational equipment used in supporting services for students with disabilities

Prior approval required for purchases of \$1000 or more per unit out of 02.6411. There is no expectation that the applicant will be able to identify equipment purchases for 2004-05 at the time of application approval. However, as the need for equipment becomes apparent during 2004-05, please fax the EQUIPMENT FOR SPECIAL EDUCATION FOR STUDENTS WITH DISABILITIES form listing the item(s) the applicant plans to purchase. The page will be faxed back to the applicant with approval noted within 24 hours in most cases. Do this each time a purchase of \$1000 or more per unit out of 02.6411 is anticipated.

OBJECTIVE 3: ALL OTHER ACTIVITIES RELATED TO THE PROVISION OF SPECIAL EDUCATION SERVICES TO STUDENTS WITH DISABILITIES

Please describe any other activities the applicant wishes to fund under any other function code and explain how those activities are specifically related to the provision of special education services to students with disabilities.

OBJECTIVE 4: PRIVATE SCHOOL OBJECTIVE

Under CFR 300.453, the applicant must budget a proportionate amount of funds (see PRIVATE SCHOOL STUDENT ALLOCATIONS, attached) for services to students with disabilities who are parentally placed in private or home schools. Under CFR 300.455, these services are to be documented on a written services plan for each eligible student. The plan must include transportation costs, in certain situations. See CFR 300.456(b) for details. A sample plan is available at <http://www.ped.state.nm.us/div/learn.serv/spec.ed/dl/ServicesPlan.pdf>. A separate objective is required for the purpose of tracking these funds.

During the 2004-2005 school year, if an applicant learns that a public school student is being removed by the parent(s) to a private or home school, the applicant will need to adjust the amount budgeted to this objective. **The applicant should divide the number of parentally placed private/home school students eligible for special education services by the most recent December 1 count of students served by the applicant. That fraction should be multiplied by the allocation to determine the amount that should be budgeted to this objective.** The intent of the federal regulations is that this population should receive a proportionate amount for services.

If no eligible private school students are present, leave this page blank.

Please mark those items for which the applicant has budgeted funds.

- Employment/contracting of additional special education and related services personnel to deliver direct instruction or to deliver consultation to home school and private school personnel (excluding evaluation services)
- Purchase of educational supplies directly related to the services plans of students with disabilities

*There are no eligible private school students present in the district. It should be noted, however, that this district did communicate with New Mexico Public Education Department during SY03-04, as well as with attorneys representing the district, and confirmed that a district is not responsible for providing educational services to students unilaterally placed by their parents in out-of-state private schools.

OBJECTIVE 5: CHARTER SCHOOL OBJECTIVE for _____
School Name

In order to verify that applicants are reserving a proportionate amount of funds (see CHARTER SCHOOLS, attached) for service to students with disabilities in charter schools, **the application must include a separate objective for each charter school.** (If more than one charter school exists, include a copy of this page for each charter school and send an email to jmartin@ped.state.nm.us to receive a spreadsheet individualized for the district or regional cooperative.) For districts with charter schools that do not open until fall 2004, a proportionate amount must be based on an estimate of students with disabilities who will be served at the charter school. If no estimate is available, use 17% of estimated enrollment. This estimated allocation should be adjusted on December 2004 to reflect actual counts of students with disabilities.

If no charter schools exist within the district boundaries, leave this page blank

Please mark those items for which the applicant has budgeted funds.

- Personnel costs for providing special education service to students with disabilities
- Training costs for staff involved with providing special education services for students with disabilities
- Supplies and materials costs related to providing special education services for students with disabilities
- Equipment costs related to providing special education services for students with disabilities

Gadsden Independent School District

Policies and Procedures for Compliance with the Individuals with Disabilities Education Act (IDEA)

TABLE OF CONTENTS

Introduction	2
Free Appropriate Public Education (FAPE)	4
Full Educational Opportunity Goal (FEOG)	7
Child Find	8
Procedures for Evaluation and Determination of Eligibility	11
Individualized Education Programs (IEPs)	14
Least Restrictive Environment (LRE)	18
Transition of Children from IDEA Part C to Part B Preschool Programs	21
Children in Private Schools	23
Performance Goals and Indicators	26
Assessment: Participation and Reports	27
Confidentiality of Personally Identifiable Information	29
Procedural Safeguards	33
Public Information	39
Comprehensive System of Personnel Development (CSPD)	40
Personnel Standards	42

Introduction

New Mexico has participated in the program of federal aid to special education under the Individuals with Disabilities Education Act (IDEA) and its predecessors since 1984. In 2003-04 New Mexico's 89 school districts and other state-funded educational agencies will receive more than \$65 million in federal flowthrough funds under Part B of the IDEA.

In exchange for the federal funds, the state and its educational agencies agree to comply with the requirements of the IDEA and its implementing regulations.¹ One regulation requires public educational agencies that serve IDEA-eligible children to file certain policies and procedures with the state educational agency. Those local policies and procedures must be aligned with the state's policies and procedures covering a specific list of IDEA regulatory requirements.² The New Mexico Public Education Department (PED) has developed this manual to help New Mexico's public educational agencies comply with those requirements.

The IDEA regulations refer to local school districts as local educational agencies (LEAs).³ The regulations also require any other state-funded agency that serves IDEA-eligible children meet the same requirements as LEAs.⁴ For ease of reference, the term "LEA" is used in this manual to refer to both types of educational agencies.

State rules incorporate the IDEA regulations and add some further provisions to implement other state laws.⁵ The state special education rules also refer to other PED rules on related topics such as student discipline⁶ and professional licensure of educational staff members.⁷

This document has been prepared to help LEAs ensure that the policies and procedures the IDEA requires them to file with the PED meet the applicable requirements of the federal and state regulations. The policies are arranged into sixteen categories. Within each category are brief explanations of the federal regulations and state rules that apply to the subjects covered there. More importantly, the applicable regulations and rules are specifically cited for reference.

Many topics covered in this manual are clearly closed-ended, meaning that the requirements are set by law and an LEA need only adopt and practice them as given. Others will require each LEA to supply local procedures and practices to implement the policies. After the LEA procedures have been inserted as required, the manual must be formally adopted by the local school board.

Although this document is designed to assist LEAs in understanding and applying the regulations regarding the educational needs of New Mexico children who are eligible for special education and related services, it is not intended to be a substitute for a thorough understanding of the regulations themselves as they appear in the Code of Federal Regulations and the New Mexico Administrative Code. Copies of the regulations and additional help and information are readily available online. The IDEA regulations and other helpful resources are available through the U.S. Department of Education's Office

of Special Education and Rehabilitative Services (OSERS) Web site at www.ed.gov/offices/OSERS/IDEA/regs.html. The state rules, additional resources and links to other helpful sites are available through the PED at www.ped.state.nm.us.

Endnotes

¹ The regulations for Part B of the IDEA are published at Title 34, Part 300 of the Code of Federal Regulations (34 CFR Secs. 300.1 through 300.756).

² 34 CFR Sec. 300.220 requires LEAs to file policies and procedures that are consistent with the state policies and procedures established under Secs. 300.121 through 300.156. Many of those sections in turn incorporate other sections of the IDEA regulations. See, for example, 34 CFR Sec. 300.129, which requires states to ensure that the procedural requirements of Secs. 300.500-300.529 are met.

³ 34 CFR Sec. 300.18(a).

⁴ 34 CFR Sec. 300.194(b).

⁵ New Mexico Statutes Annotated 1978, Sec. 22-13-5, provides in part: School districts shall provide special education and related services appropriate to meet the needs of all children requiring special education and related services. Regulations and standards shall be developed and established by the state board for the provision of special education in the schools and classes of the public school system in the state and in all institutions wholly or partly supported by the state. The state board [now PED] shall monitor and enforce the regulations and standards. The state special education rules are published at Title 6, Chapter 31, Part 2 of the New Mexico Administrative Code (6.31.2 NMAC).

⁶ The PED rules on student rights and responsibilities are published at 6.11.2 NMAC.

⁷ The PED licensure requirements for school staff members are published at Title 6, Chapters 60 through 64 of NMAC.

Free Appropriate Public Education (FAPE)

It is the policy of this LEA to ensure that all eligible children with disabilities aged 3 through 21 who reside within its jurisdiction have FAPE available in accordance with 34 CFR Sec. 300.121 and 300.122. We further assure that the procedures identified in 34 CFR Secs. 300.300–300.313, 300.342(c), and 300.519–300.524 and the provisions of 6.31.2.8 NMAC are adopted as the policy of this LEA. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

State Policy Related to FAPE; To Whom FAPE Applies and Exceptions

34 CFR Secs. 300.121, 300.12; 300.519–300.524; 300.342(c)

FAPE applies to all children with disabilities, including those who have been suspended or expelled from school as described in 34 CFR 300.519–300.524. FAPE is made available to children no later than the child's third birthday, and an Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) is in effect for the child by that date in accordance with 34 CFR 300.342 (c), which describes the options of IEP or IFSP for children aged 3 through 5.

Children with disabilities who are being considered for a long term suspension (defined as more than ten days in a school year) or expulsion because of behavior that has led to disciplinary action by school authorities are afforded special consideration under IDEA. The FAPE aspect of this consideration is based on the concern that cessation of services will have an adverse impact on the child with disabilities ability to achieve in school and to become a self-supporting adult who is a contributing member of society (Federal Register, March 12, 1999, Analysis of Comments and Changes, 12554). An aspect of the decision making by school authorities that acknowledges FAPE includes considering which educational services are needed to enable the child with disabilities to make appropriate progress in the general curriculum and toward the goals of the IEP.

If a child's third birthday occurs during the summer, the child's IEP/IFSP team determines the date when services under the IEP or IFSP will begin.

Provision of FAPE; Methods and Payments

34 CFR Secs. 300.300–300.302

Services provided under FAPE address all the child's identified special education and related services needs and are based on the child's unique needs, not the disability. A child's IEP is implemented without delay due to cost or payment source for providing special education and related services. If residential placement is necessary for educational reasons, it is provided at no cost to parents.

Sometimes other sources of funding are accessed to pay for special education or related services for children with disabilities (e.g., public or private insurance). The LEA has a mechanism in place regarding the timeframe for implementation of the IEP in those situations in which a payment source is in the process of being determined (e.g., when a non-educational entity may be involved in payment, when another school district may be involved in payment). The LEA is responsible for timely implementation of the IEP and for payment for services until decisions regarding other resources are made.

Full Education Opportunity ; Program Options

34 CFR Secs. 300.303–300.308

Every effort is made to provide children with disabilities access to the same educational opportunities offered to nondisabled children, including such programs as art, music, physical education, and nonacademic services. Assistive technology is provided based on the needs identified in the child’s IEP as necessary for the child to receive FAPE.

Program Options and Nonacademic Services:

The table below provides detailed information regarding the availability of program options and nonacademic services to children with disabilities in the LEA:

- For items that are available to ALL students with and without disabilities in the district, **insert the letter A.**
- For items that are available to only students without disabilities, **insert the letter N.**
- For items that are available to only students with disabilities **insert the letter D.**
- If the service is available to only some grades at a particular level (e.g., only to 8th graders at Middle School), please **add an asterisk** to the letter code (e.g., A*) and add a footnote to explain (e.g., *available only to 8th graders).
- If the service is not available to any students in the district, **insert NA.**

Services in IDEA 300.305-307	Art	Music	Industrial arts	Consumer and homemaking education	Vocational education	Counseling services	Athletics	Transportation	Health services	Recreational activities	Public agency-sponsored special interest groups or clubs	Referrals to agencies that provide services to individuals with disabilities	Employment of students	Physical education
Elementary Students	A	A	N/A	A	A	A	A	A	A	A	A	A	N/A	A
Mid School Students	A	A	N/A	A	A	A	A	A	A	A	A	A	N/A	A
High School Students	A	A	A	A	A	A	A	A	A	A	A	A	A	A

Explanatory Footnotes(*):

Extended School Year Services

34 CFR Sec. 300.309

Extended school year services are available as necessary to provide FAPE. If required by the child's IEP, appropriate extended school year services are offered at no cost to parents.

The premise for establishing a child with disabilities' eligibility for extended school year (ESY) services is the significance of regression and the time required to recoup/regain skills addressed in IEP goals, objectives and performance levels. In making decisions regarding the need for ESY, the IEP team must consider and document a number of factors including the nature of the child's disability, past data regarding regression during school breaks and the time for recoupment of skills, past benefit from ESY services, and the appropriateness of other educational opportunities that may achieve the same result. A student may be eligible for ESY services even though there is not documentation of past regression/recoupment problems. In analyzing a student's potential regression/recoupment, the IEP team needs to consider predictive information as well as any other appropriate factors (e.g., a student who has a recent traumatic brain injury may not have past documentation of regression, but knowledge of the disability and consultation with medical personnel may be sufficient to predict problems in regression/recoupment).

FAPE With Regard to Public Charter Schools

34 CFR Sec. 300.312, 300.241

Children in public charter schools and their parents retain their right to FAPE. Regulations for serving and funding of public charter schools apply as specified in 34 CFR Secs. 300.312 and 300.241.

Procedures for serving children with disabilities in New Mexico charter schools are addressed in 6.80.4.8 (D) NMAC which specifies that charter schools must include a specific special education plan in their application for funding and 6.31.2.11 NMAC which requires that charter schools extend all of the rights of IDEA to children with disabilities attending charter schools and their parents.

NEW MEXICO RULES

Right to a Free Appropriate Public Education

6.31.2.8 NMAC

Beyond the requirement to adhere to all federal regulations regarding FAPE, New Mexico allows the option of offering additional services for children who do not meet the minimum requirements. However, only students meeting the federal criteria for being a child with a disability are to be included in calculating state equalization guarantee funding and IDEA Part B entitlements.

Full Educational Opportunity Goal (FEOG)

It is the policy of this LEA to align with the state's goal of providing full educational opportunity for all New Mexico children with disabilities in accordance with 34 CFR Secs. 300.123 and 300.124. Although the obligation to offer FAPE is limited to children aged 3 through 21, we adhere to the policies and procedures governing FEOG as detailed in the following federal regulations.

FEDERAL REGULATIONS

FEOG Policies, Procedures, Timetable

34 CFR Secs. 300.123–300.124

Policies and procedures are in place that lead toward the goal of providing full educational opportunity to all children with disabilities who reside in our jurisdiction.

It is the policy of this LEA to locate and identify any child residing within its jurisdiction who may have a disability and need special education and related services in accordance with 34 CFR Sec. 300.126. We further assure that the provisions under subsections (A)-(B) of 6.31.2.10 NMAC are adopted as the policy of this LEA. The policies and procedures under Child Find apply to all children, whether enrolled in the public school system or not. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

General Requirements of Child Find

34 CFR Sec. 300.125 (a)

All children residing within the district, including students in private schools and those not in school, are to be identified, located, and evaluated. A practical method is developed and implemented for determining which children are currently receiving special education and related services.

Child Find information is disseminated throughout the year using brochures, parent-teacher meetings, and professional organizations.

The LEA submits data through the ADS system to the NM Public Education Department as per 6.31.2.10 NMAC. Reports generated from the ADS system include data on eligibility of individual pupils, services received, and other requirements.

Required Documentation Relating to Child Find

34 CFR Sec. 300.125 (b)

Names of participating agencies, description and extent of participation, methods used for accounting for and recording the number of children in each category, information on how procedures are evaluated for effectiveness, and a description of the methods being used to determine which children are currently receiving special education and related services.

1. Names of participating agencies and description and extent of participation (See following chart.)
2. Methods for accounting for and recording the number of children in each disability category and methods used to determine which children are currently receiving special education and related services. Children receiving special education and related services are accounted for and recorded using the New Mexico Public Education Department Accountability Data System (ADS).
3. Information on how procedures are evaluated for effectiveness. Annually, personnel responsible for Child Find meet with the Director of Special Education to review number of children referred by Part C programs as well as referrals from parents and the community. Strategies for increasing dissemination of Child Find information throughout the community are discussed.

Special Conditions for Children from Birth to Age 2

34 CFR Sec. 300.125 (c)

LEA Responsibilities for Part C to B transition are listed in this document in the section, Transition of Children from IDEA Part C to Part B Preschool Programs.

Construction and Confidentiality

34 CFR Secs. 300.125 (d)-(e)

New Mexico children with disabilities ages 3-21 meet the requirements and are identified under the categories of disability in 34 CFR 300.7 and 6.31.2.7 NMAC and 6.31.2.10 NMAC. The categories include: autism, deaf-blindness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, specific learning disabilities, speech or language impairment, traumatic brain injury, vision impairment and developmental delay. Developmental delay is limited to children ages 3-9.

Child find data are subject to the same confidentiality requirements as any other data that are governed by IDEA.

NEW MEXICO RULES

General Screening for Student Needs

6.31.2.10 (B) NMAC

Each public educational agency shall implement general screening as part of its Educational Plan for Student Success (EPSS) to identify student needs, including special education and related services.

Screening will be performed by qualified LEA personnel and may include:

- general health screening, including social/behavioral health
- vision screening performed to verify indicators of loss of sight, acuity, or other possible vision related problems;
- hearing screening to verify any hearing risk indicators;
- speech and language screening to verify problems in the formulation or articulation of speech or any delay in the development of language;
- preschool screening which typically includes vision, hearing, cognition, motor, speech-language, and health components to verify developmental delays;
- screening for home language
- academic screening for school age children to determine the significance of academic delays; and
- screening for secondary level students who are at-risk of dropping out, or who have dropped out, to verify that the reasons for dropping out are not related to a previously unidentified disability.

The following agencies participate in the Child Find process for the LEA

Agencies Participating in the Child Find Process	Extent of Participation (insert X)			
	Makes Referrals to LEA	Accepts LEA Referrals	Conducts Evaluation /Makes Diagnosis	Provides Services
College and University Clinics				
University Hospital Child Evaluation Center	X	X	X	X
Speech and Hearing Clinics; Speech and Audiology Clinics	X	X	X	X
Other Child Evaluation Clinics, Rehabilitation Centers	X	X	X	X
Private Health Care Providers				
Physicians	X	X	X	X
Audiologists	X	X	X	X
Speech and Hearing Clinics	X	X	X	X
Optometrists	X	X	X	X
Psychiatrists/Clinical Psychologists	X	X	X	X
Other: specify				
State Agencies/Programs				
Early Intervention Programs (Part C), Dept. of Health	X	X	X	X
Child Care Centers	X	X	X	X
Maternal and Child Health, Dept. of Health	X	X	X	X
Services for Children with Special Health Care Needs, Dept. of Health	X	X	X	X
Vocational Rehabilitation	X	X	X	X
Vocational and Technical Education	X	X	X	X
Job Service/Job Corps (or other Labor Dept. programs)	X	X	X	X
Youth Correctional Centers/Juvenile Detention Centers	X	X	X	X
State Mental Health Centers	X	X	X	X
School for the Visually Handicapped	X	X	X	X
School for the Deaf	X	X	X	X
State Developmental Disabilities Centers	X	X	X	X
Human Services Centers	X	X	X	X
Other: specify				
Federal Programs				
Head Start Programs	X	X	X	X
Bureau of Indian Affairs Special Education Programs	X	X	X	X
Indian Health Service	X	X	X	X
Other: specify				

Procedures for Evaluations and Determinations of Eligibility

It is the policy of this LEA to ensure that procedures are in place for evaluating children and determining eligibility for special education and related services in accordance with 34 CFR Sec. 300.126. We further assure that the procedures identified in 34 CFR Secs. . 300.531–300.536 and the provisions under subsections (C)-(F) of 6.31.2.10 NMAC are adopted as the policy of this LEA. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Initial Evaluation and Evaluation Procedures

34 CFR Secs. 300.531; 300.532

Evaluation materials are not discriminatory and are provided in the child's primary language or mode of communication unless it is clearly not feasible to do so. A variety of assessment tools are used for evaluation and limited English proficiency is not used to measure need for special education and related services. No assessment or procedure is used as the sole criterion for determining the existence of a disability or the need for special education and related services. If the child is already identified as a child with a disability, assessments are given in accordance with the child's needs and abilities.

Determination of Needed Evaluation Data

34 CFR Sec. 300.533

For an initial or reevaluation, existing data is reviewed and based on that review, identification and recommendations are made for further assessment. An evaluation includes assessment of PLEP (Present Levels of Educational Performance). For a reevaluation, assessment is used to determine if the disability continues to exist, and what modifications or accommodations, if any, are needed to enable the child to meet annual measurable goals defined in the Individualized Education Program (IEP). Parents have the right to request evaluations and be notified of evaluation results.

Determination of Eligibility

34 CFR Sec. 300.534

Evaluation results are reviewed by qualified professionals and the parents, who determine together whether the child has an IDEA disability and needs special education and related services. Parents receive copies of evaluation reports and eligibility determinations.

Procedures for Determining Eligibility and Placement

34 CFR Sec. 300.535

Evaluation data is derived from a variety of sources. All information is carefully considered and documented. Children are not found to be eligible based on lack of instruction in reading or math or limited English proficiency. If a determination is made

that the child has an IDEA disability and needs special education and related services, an IEP is developed.

Required documentation for eligibility includes an explanation of how the multidisciplinary team considered factors such as lack of instruction in reading or math or limited English proficiency that might explain low student academic performance and could be mistakenly viewed as the presence of a disability.

Reevaluation

34 CFR Sec. 300.536

A reevaluation is done if conditions warrant or at the request of the parent or teacher, but at least once every three years.

NEW MEXICO RULES

Prereferral Interventions

6.31.2.10 (C) NMAC

If, through general screening, a child is suspected of having a disability, further assessment is considered in order to rule out other possible causes for the child's educational difficulty. Prior to referral for a special education evaluation, interventions are considered, documented, and implemented, if appropriate. If prereferral interventions are not effective within a reasonable time, the child is referred for a full special education evaluation.

Evaluations and Reevaluations

6.31.2.10 (D) NMAC

Evaluations are provided at no cost to parents. Referrals for individualized evaluations are completed within a reasonable time and are fully documented. Summary reports from all individuals evaluating the child are reported in writing and presented to the IEP team. Parents who disagree with an evaluation have the right to obtain an independent educational evaluation at public expense subject to the conditions of 34 CFR Sec. 300.502, as described in the section on "Procedural Rights of Parents and Students" below.

The LEA has designated the Compliance Officer as responsible to track whether evaluations and reevaluations are conducted within required timelines.

Evaluations as Part of the Exit IEP

6.31.2.10 (J) NMAC

At the exit IEP meeting the IEP team determines whether all requirements for graduation under the final IEP have been satisfied. The IEP team will also determine whether additional evaluations, reports or documents are necessary to support a smooth and effective transition to post-secondary services for a student who will graduate on the

career readiness or ability pathway. The school will arrange for such information to be provided at no cost to the students or parents.

Assessment of Culturally and Linguistically Diverse Children

6.31.2.10 (E) NMAC

Assessments and other evaluative materials are provided and administered so as not to be culturally or racially discriminatory, and unless clearly not feasible to do so, are provided in the child's primary language or mode of communication. A child's language proficiency is considered when choosing and administering assessments and is not used as the determining factor for eligibility for special education and related services.

Home language status must be documented prior to any evaluation for special education.

Eligibility Determinations

6.31.2.10 (F) NMAC

In addition to the regulations required by IDEA, New Mexico allows the option of "developmentally delayed" as a classification for children aged 5 through 9 who do not qualify for special education under any other disability category. To be placed in this category, the child must meet diagnostic criteria.

Diagnostic criteria for developmental delay include: documented delays in development which are at least two standard deviations or 30 percent below chronological age; or who in the judgment of the IEP team and one or more qualified evaluators needs special education or related services in at least one of the following five areas: receptive or expressive language, cognitive disabilities, gross and/or fine motor functioning, social or emotional development or self-help/adaptive functioning.

Children classified as developmentally delayed must be reevaluated during the school year in which they turn 9 and will no longer be eligible in this category when they turn 10.

Individualized Education Programs (IEPs)

It is the policy of this LEA to provide each eligible child with a disability an appropriate IEP in accordance with 34 CFR Sec. 300.128. The LEA further assures that the procedures identified in 34 CFR Secs. 300.340–300.350 and the provisions under subsection (B) of 6.31.2.11 NMAC are adopted as the policy of this LEA. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Definitions and General Responsibilities Regarding IEPs

34 CFR Secs. 300.340–300.341

Definitions and general responsibilities of public agencies regarding development, implementation, review, and revision of IEPs are listed here.

Implementation and Timetable for IEP

34 CFR Sec. 300.342

At the beginning of each school year, an IEP (or IFSP for children aged 3 through 5) is in effect for each child with a disability.

The IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service providers responsible for its implementation. Each provider is informed of his/her specific responsibilities for implementing the IEP and the specific accommodations, modifications and supports that are to be provided. The building administrator has responsibility for ensuring that all the provisions of the IEP are properly implemented.

IEP Meetings and Participants

34 CFR Secs. 300.343–300.345

IEP meetings are held prior to beginning any special education or related services. All necessary participants, including parents and the student (if appropriate) are notified of and invited to the meetings.

The initial IEP meeting for a child with a disability must be conducted within 30 days of the determination that the child is a child with a disability and needs special education and related services.

Content, Development, Review, and Revision of IEPs

34 CFR Secs. 300.346– 300.347

IEPs are developed, implemented, reviewed, and revised in accordance with all applicable regulations. A statement of transition service needs is developed for each

student with a disability by age 14 and a statement of transition services is developed for each student by age 16 (or younger if determined appropriate by the IEP team).

Transition Services

34 CFR Sec. 300.348

Other public agencies are involved with the IEP team in planning and providing transition services as appropriate.

The LEA has designated the Compliance Officer as responsible to review IEPs to assure that other agencies are participating in the IEP process. This is particularly important during the student's junior year in high school because the timeline may be critical to provision of adult services for individuals with disabilities after graduation/at the point of exiting from the high school program.

Private School Placements

34 CFR Sec.300.349

Before this LEA places a child with a disability in a private school or facility to provide a free appropriate public education (FAPE), the child will have an IEP developed in accordance with 34 CFR Secs. 300.346–300.347. After placement, it remains the responsibility of this LEA agency to ensure compliance with all applicable requirements of the IDEA.

IEP Accountability

34 CFR Sec. 300.350

Personnel hired to provide special education and related services to students with disabilities are responsible for ensuring that appropriate services are delivered. However, even when every reasonable effort is made to provide special education and related services to children with disabilities and to assist them in achieving the desired goals and benchmarks described in their IEPs, success cannot be guaranteed by any individual or public agency.

NEW MEXICO RULES

Compliance With Provisions Under IDEA; Exception

6.31.2.11 (B)(1) NMAC

An IEP is developed for each child with a disability as specified under IDEA, except as provided in Secs. 300.460–462 for children enrolled by their parents in private schools.

IEP Meeting Participants

6.31.2.11 (B)(2) NMAC

An IEP meeting is convened for initial development or review of an IEP. The parents and the child (if appropriate) are afforded the opportunity to attend and participate.

Signatures; Notice/Consent

6.31.2.11 (B)(3) NMAC

An initial IEP or revision has the signatures of all participants in the meeting to document their attendance. Written notice of proposed action may be provided in whole or in part at the close of the meeting. For any action requiring it, parental written consent is obtained before initiating the action.

Procedural Requirements

6.30.2.10 (J)(9) NMAC

For transition age students with disabilities, governing principles have been established as part of the State Standards for Excellence that guide the development, program of study, and granting of a diploma or certification.

The individualized education program (IEP) team is responsible for determining whether the student has completed a planned program of study making him or her eligible to receive a diploma or certificate. Upon completion of a planned program of study that meets the requirements, the student will be awarded a diploma. Three different options for the program of study (or pathway) have been established: a) a standard program of study/pathway is based upon meeting or surpassing all requirements for graduation based on New Mexico Standards for Excellence with or without reasonable modification of delivery and assessment methods; b) a career readiness program of study/pathway is based upon meeting the state board of education's career readiness standards with benchmarks as defined in the IEP with or without reasonable modifications of delivery and assessment methods; c) an ability program of study/pathway is based upon meeting or surpassing IEP goals and objectives, with or without reasonable modifications of delivery and assessment methods, referencing skill attainment at a student's ability level, which may lead to meaningful employment.

A student who receives special education services may be granted a certificate when the IEP team provides documentation and justification for the use of a certificate for an individual student and a follow-up plan of action. A student who receives a certificate is eligible to continue receiving special education services until receipt of a diploma or until the end of the academic year in which the student turns 22.

Graduation plans must be a part of all IEPs: a) prior to the student entering the ninth grade or age 14 and concurrent with the development of the four-year plan; b) if a student returns to a school after an extended absence and if an IEP program of study may have been developed but needs to be reviewed; or c) at any subsequent time when evaluations warrant the need for a modified program of study. These graduation plans will follow the student in all educational settings. Receiving institutions that fall under the Public Education Department's jurisdiction will recognize these graduation plans, subject to revision by new IEP teams, if appropriate, to meet a student's changing needs.

At the exit IEP meeting the IEP team will review the exit re-evaluation and confirm and document that all requirements for graduation under the final IEP have been satisfied. A building administrator who has knowledge about the student must be a member of this

team and sign specifically to verify and accept completed graduation plans, goals and objectives, or plans for a certificate and follow-up program as described in the bulleted items above. The students determined to receive the diploma through an alternate path shall be submitted to the local superintendent and the local school board by using the students' identification numbers. This information shall be treated as confidential in accordance with the Family Educational Rights and Privacy Act (FERPA).

The receipt of a diploma terminates the service eligibility of students with special education needs.

All diplomas awarded by a school district must be identical in appearance, content and effect, except that symbols or notations may be added to individual student's diplomas to reflect official school honors or awards earned by students.

Departures from standard programs of study for students receiving special education must be considered in the order of the options listed in the second bulleted item above. Any modified program of study may depart from a standard program only as far as is necessary to meet an individual student's educational needs as determined by the IEP team.

The LEA has designated the Compliance Officer as responsible to monitor IEPs to assure that progress toward graduation requirements is being addressed at each annual IEP for students with disabilities, beginning in 9th grade.

Least Restrictive Environment (LRE)

It is the policy of this LEA to ensure that each eligible child with a disability is placed in the least restrictive environment (LRE) that is appropriate to the child's educational needs and that a continuum of alternative placements is available to meet the unique needs of eligible children in accordance with 34 CFR Sec. 300.130. We further assure that the procedures identified in 34 CFR Secs. 300.550–300.556 and the provisions under subsection (C) of 6.31.2.11 NMAC are adopted as the policy of this LEA. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Least Restrictive Environment

34 CFR Sec. 300.130

A continuum of alternative placements is available to meet the unique needs of each child with a disability.

General Responsibilities Regarding LRE

34 CFR Sec. 300.550

To the maximum extent appropriate, all children with disabilities are educated with children who are nondisabled. Special classes, separate schooling, or other removal of children with disabilities from the regular education environment only occurs if the nature or severity of a disability precludes a child from achieving satisfactorily in the regular education environment, even when supported by supplementary aids.

Alternative Placement

34 CFR Sec. 300.551–300.554

A continuum of alternative placements is available to meet the needs of children with disabilities, including delivery of instruction in regular classes, separate special classes, special schools (public or private), at home, in a hospital, or in an institution. Educational placement decisions are made in accordance with the directives listed in 34 CFR 300.552, which specifies who, when, where, and how placement decisions are made and placements determined. In placements involving nonacademic settings, children with disabilities are afforded, to the maximum extent appropriate, opportunities to participate in activities with nondisabled children.

Indicate which of the following alternative placement options are available to the LEA's children with disabilities (insert an X in each row).

Least Restrictive Environment: Continuum of Alternative Educational Placements	Available at the Neighborhood School	Available within the School District	Available through a Contract with Another District or Facility
Regular education with weekly monitoring by a special education provider	X	X	
Regular education with daily consultation of a special education provider	X	X	
Regular education with special education services and supports included in that setting which are aligned with the general curriculum	X	X	
Regular education with special education services provided for part of the day in a resource room or special education classroom	X	X	
Self contained special education classroom	X	X	
Special day school outside the public school campus			X
Residential treatment facility		X	
Hospital			
Detention facility			
Homebound	X		

Technical Assistance and Training; Monitoring Activities

34 CFR Sec. 300.555–300.556

Teachers, administrators, and others who serve children with disabilities are fully informed of their responsibilities for implementing LRE, and receive technical assistance and/or training as necessary. Placements are monitored for consistency with all applicable regulations.

Regular education teachers and other educators or service providers may require supplementary aids and services, program modifications or supports that are specifically related to meeting the needs of a child with disabilities as identified in the IEP goals within the least restrictive educational setting. It is important that these personnel provide input to the IEP process to determine the types of technical assistance and training that will be required to fulfill the intent of the IEP.

NEW MEXICO RULES

Exceptions to Providing LRE

6.31.2.11 (C)(1) NMAC

Educational placements and services for children with disabilities are provided in the least restrictive environment appropriate to individual needs, except for students who are convicted as adults and incarcerated in adult prisons as addressed in 34 CFR 300.311 (b)-(c) and subsection (K) of 6.31.2.11 NMAC.

Clarification of 34 CFR 300.550–300.556: Detailed Conditions for Providing LRE

6.31.2.11 (C)(2) NMAC

Pursuant to 34 CFR 300.550–556, the following are given particular consideration when making educational placement decisions for New Mexico students with disabilities: The child is educated in the school that he or she would normally attend if nondisabled unless the child's IEP requires some other arrangement; the child is not removed from education in an age-appropriate regular classroom solely because of needed modifications in the general curriculum; the child's IEP includes a statement of the program modifications or supports provided to the child that allow him or her the opportunity to participate in nonacademic activities with nondisabled peers and, if applicable, an explanation of the extent to which the child will not participate in the regular class and activities; regular education teachers assist in determining and supplying needed modifications or supports; parents are given prior written notice that includes a description, options considered, and the reasons for proposing or rejecting a change of placement.

If a newly identified child with disabilities has not received instruction in the regular classroom (e.g., a child just entering kindergarten), it is difficult for the team to establish that he/she cannot be successful in that setting unless there has been a trial period in that setting with appropriate special education supports and services. As a general rule, it is most appropriate to try the general education setting as a first placement for a newly identified child with a disability unless it is clearly unreasonable to do so as might be the case when there is a potential risk of harm to other children.

The IEP team considers placement decisions after determining the goals, objectives, accommodations and modifications.

Nonacademic and extracurricular services may include meals, recesses, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA, referrals to agencies that provide assistance to individuals with disabilities, and employment of students including both employment by the LEA and assistance in making outside employment available.

Transition of Children from IDEA Part C to Part B Preschool Programs

It is the policy of this LEA to assist in providing eligible children with disabilities a smooth and effective transition from IDEA Part C to Part B preschool programs in accordance with 34 CFR Sec. 300.132. We further assure that the procedures identified in 34 CFR Secs. 300.342, 300.121 and the provisions of subsection (A) of 6.31.2.11 NMAC are adopted as the policy of this LEA. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Transition from Part C to Part B

34 CFR Sec. 300.132

This LEA participates in transition planning conferences designed to assist in providing smooth transition for children participating in Part C programs to Part B. An IEP or IFSP is developed for each child with a disability by his or her third birthday.

IEP or IFSP for Children Aged 3 Through 5

34 CFR Sec. 300.342

An appropriate IEP or individualized family service plan (IFSP) is developed and implemented for a preschool child with a disability who is age 3 through 5, at the parents' option and subject to the further requirements of Sec. 300.342.

Right to FAPE

34 CFR Sec. 300.121

All children with disabilities aged 3 through 21 residing in the state have the right to FAPE.

NEW MEXICO RULES

Transition From Part C to Part B Programs for Preschool Children

6.31.2.11 (A)(2) NMAC

Policies and procedures are developed to ensure a smooth and effective transition from Part C to Part B for preschool children with disabilities within this LEA's jurisdiction. Every reasonable effort is made to establish productive working relations between local Part C providers and to encourage their participation in planning conferences.

LEA Responsibilities Regarding Transition for Preschool Children

6.31.2.11 (A)(3) NMAC

Part C programs are surveyed for the purpose of identifying children eligible to enter the LEA's Part B preschool program in the future; parent, family, and local service provider involvement in transition planning is promoted at least six months prior to a child's eligibility to enter the Part B preschool program; procedures supporting transition are implemented, including parent education and professional development for educators; at least 90 days prior to anticipated transition or the child's third birthday; planning conferences are arranged and held to facilitate informed choices; a team that includes parents and qualified professionals reviews evaluation data about the child to determine eligibility and needed services; the team develops an appropriate IEP or ISFP for each child who is found eligible for Part B preschool services.

The LEA initiates a meeting to develop the child's IEP/IFSP at least 15 days prior to transition including the appropriate team membership.

Children in Private Schools

It is the policy of this LEA to ensure that policies and procedures are in place regarding eligible children with disabilities in private schools in accordance with 34 CFR Sec. 300.133. We further assure that the procedures identified in 34 CFR Secs. 300.400–403, 300.450–462 and the provisions under subsection (L) of 6.31.2.11 NMAC are adopted as the policy of this LEA. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Private School Placements by Public Educational Agencies

34 CFR Secs. 300.400–300.401

This LEA ensures that a child with a disability who is placed in or referred to a private school facility by the LEA is provided, at no cost to parents, with special education and related services as determined by his or her IEP. The child has all the rights of a child with a disability served in a public school and receives an education that meets the same standards.

Monitoring and Cross-Communicating

34 CFR Sec. 300.402

This LEA cooperates with the state in monitoring compliance by providing written reports as needed, communicating information about standards to private schools, and giving private schools the opportunity to participate in the development and revision of standards.

Placement of Children in Private Schools by Parents if FAPE is at Issue

34 CFR Sec. 300.403

If parents place their child in a private facility because of a disagreement about FAPE, due process may be used to resolve the issue in accordance with the requirements of 34 CFR 300.403.

Children with Disabilities Enrolled by Their Parents in Private Schools

34 CFR Sec. 300.450–300.462

Child Find efforts apply to all children, including private school children with disabilities.

Children with disabilities who are enrolled in private schools by parental choice are counted in the total population of children with disabilities in the LEA's jurisdiction for purposes of IDEA flowthrough funding (but not for state equalization funding). The LEA's expenditures for the benefit of such students are based on the formulas and requirements of 34 CFR 300.453 and 300.454.

No private school child with a disability has an individual right to receive the same services the child would receive if enrolled in a public school. Any services the LEA offers will be provided by qualified personnel under a services plan in accordance with 34 CFR 300.455 and may be provided on public or private school premises pursuant to 34 CFR 300.456.

Special provisions apply to due process and complaint procedures regarding private school children with disabilities (see 34 CFR 300.457) and to the use of funds, personnel, and equipment to service private school children with disabilities (see 34 CFR 300.458–300.462).

NEW MEXICO RULES

Children Placed in or Referred to Private Schools or Facilities by Public Educational Agencies

6.31.2.11 (L)(1) NMAC

A child with a disability who is placed in or referred to a private school or facility by a public educational agency has the same rights as a child with a disability attending public school and is entitled to receive full and equal special education and related services.

Children Placed in Private Schools or Facilities by Parents When FAPE is at Issue

6.31.2.11 (L)(3) NMAC¹

The responsibility for the education of a child placed in a private school or facility by parents due to a disagreement over FAPE is governed by the requirements of 34 CFR 300.403. Disagreements are subject to due process procedures.

Children Enrolled By Parents in Private School or Facilities

6.31.2.11 (L)(4) NMAC

New Mexico law prohibits public agencies from spending state funds to assist private schools or facilities or their students. All other regulations stated in 34 CFR 300.450–300.462 apply, including locating, identifying, and evaluating children with disabilities, spending a portion of federal IDEA funds for the benefit of private school children, and providing services to the extent required by, and in compliance with, the regulations of 34 CFR Secs. 300.450–300.462.

Children Schooled at Home

6.31.2.11 (L)(5) NMAC

All regulations that apply to children placed in private schools by their parents apply to children with disabilities schooled at home.

The LEA is responsible for locating, identifying and evaluating children schooled at home who are suspected of having a disability and including children found eligible for special education and related services under IDEA in the LEA's child count.

Procedural Safeguards

6.31.2.11 (L)(6) NMAC

For private school children with disabilities and children schooled at home, procedures regarding notice and consent, due process/mediation, and surrogate parents apply to complaints that an LEA has failed to locate, evaluate and determining eligibility of private school or home schooled children. The due process and mediation procedures are not available for complaints that an LEA has failed to meet the requirements of 34 CFR 300.452-300.462, including the provision of services indicated on the child's service plan. State-level complaints alleging failure to meet the requirements of 34 CFR 300.451-300.462 may be filed under the state complaint procedures in subsection (H) of 6.31.2.13 NMAC.

Performance Goals and Indicators

It is the policy of this LEA to comply with 34 CFR Sec. 300.127 and subsection (D) of 6.31.2.11 NMAC by using the State Board of Education's general academic content and performance standards and indicators as the preferred measure for the performance of children with disabilities, and to modify those standards and indicators only when modifications are allowed by federal and state regulations and required to meet the individual needs of a particular child with a disability. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Required Information to be on File

34 CFR Sec. 300.137

The state must demonstrate that goals are established for children with disabilities that are performance-based and are consistent to the maximum extent appropriate with other goals and standards for all children. Goals are measurable and means for assessing progress toward achievement are addressed.

NEW MEXICO RULES

Performance Goals and Indicators

6.31.2.11 (D) NMAC

The content standards and benchmarks from PED's Standards for Excellence provide the basic performance goals and indicators for children with disabilities in the general curriculum. These are only modified to the extent necessary to meet the needs of individual children as determined on the child's IEP.

Statewide indicators include: a) student achievement as required by the New Mexico achievement assessment program; (b) graduation rate; and (c) student dropout.

Assessment: Participation and Reports

It is the policy of this LEA to ensure that the academic performance of children with disabilities is assessed in accordance with 34 CFR Secs. 300.138–300.139. We further assure that the provisions of subsection (E) of 6.31.2.11 NMAC and subsection (K)(1)(b) of 6.30.2.10 NMAC (as amended effective August 15, 2003) are adopted as the policy of this LEA. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Participation in Assessments

34 CFR Sec. 300.138

This LEA assures that children with disabilities are included in general state and district-wide assessment programs, with appropriate accommodations, if necessary. We also follow state guidelines for using alternate assessments of those children who cannot participate in general assessment programs.

Regulations Regarding Reporting of Assessment

34 CFR Sec. 300.139

Assessment reports of disabled children are made available with the same frequency and detail as reported to the public for nondisabled children. Assessment reports for children with disabilities contain the minimum requirements listed in 34 CFR 300.139.

NEW MEXICO RULES

Participation in Assessments

6.31.2.11 (E) NMAC

To the extent possible, children with disabilities participate in statewide and district-wide assessment, with appropriate accommodations, if necessary. For students whose IEPs indicate a need for alternate assessment, only current criteria, standards, methods, and instruments approved by the Department are used. Test performance results are collected and reported in accordance with 34 CFR 300.139 and any additional requirements established by the Department.

Each LEA 's assessment data are reflected in the statewide student assessment system per 6.31.2.10 (K) NMAC. Reports generated from the statewide student assessment system include school district report cards which provide information about the participation and performance of LEA students on statewide assessments including the participation and performance of children with disabilities and other groups whose data are disaggregated from the totals.

Statewide Accountability Program

6.30.2.10(K)(1)(b) NMAC I(as amended effective August 15, 2003)

Students with disabilities shall participate in all statewide and district-wide assessments of student achievement or in state-approved alternate assessments. Pursuant to Subsection E of 6.31.2.11 NMAC and 34 CFR Sec. 300.347(a)(5), the individualized education programs (IEPs) for such students shall specify which assessments each student will participate in and what if any accommodations in administration are needed to enable the student to participate. The IEPs for students who will not participate in a particular statewide or district-wide assessment shall explain why that assessment is not appropriate for that student and how the student will be assessed using current state-approved criteria, methods and instruments.

The LEA has designated the Compliance Officer as responsible to review IEPs for assessment accommodations and ensure that the stated accommodations are provided during administration of assessments.

Confidentiality of Personally Identifiable Information

It is the policy of this LEA to safeguard the confidentiality of any personally identifiable information collected, used, or maintained regarding each child with a disability in accordance with 34 CFR Sec. 300.127. We further assure that the procedures identified in 34 CFR Secs. 300.560–300.576 and the provisions under subsection (L) of 6.31.2.13 NMAC are adopted as the policy of this LEA. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Definitions Relating to Confidentiality

34 CFR Sec. 300.560

Destruction—physical destruction or removal of personal identifiers

Education records—as regulated by the Family Educational Rights and Privacy Act regulations at 34 CFR Part 99

Participating agency—any agency that collects, maintains, or uses personally identifiable information.

What Notices Regarding Confidentiality Must Be Given to Parents and When

34 CFR Sec. 300.561, 34 CFR Sec. 300.504(b) and 34 CFR Sec. 99.7

Consistent with the IDEA regulations at 34 CFR Sec. 300.561 and as required by the Family Educational Rights and Privacy Act (FERPA) regulations at 34 CFR Sec. 99.7, this LEA annually notifies parents of students currently in attendance of their rights under FERPA and its implementing regulations. As required by 34 CFR Sec. 300.504, this LEA provides parents of children with disabilities a written notice of the IDEA's confidentiality provisions and parents' rights of access to their children's educational records in the written notice of procedural safeguards that is provided upon initial referral for an evaluation, upon each notification of an IEP meeting, and upon reevaluation of a child. (The Public Education Department provides the procedural safeguards notice upon receipt of a parental request for due process under 34 CFR Sec. 300.507.)

The LEA has designated the Compliance Officer as responsible to assure that staff members who handle confidential student records are appropriately trained and comply with all applicable requirements.

Who Has Rights of Access to Information and the LEA's Responsibility Regarding Access

34 CFR Sec. 300.562

Unless specifically denied by state law or authority, parents have the right to inspect and review their children's education records, request an explanation or interpretation, request a copy, and have a representative review the records.

Maintaining Educational Records

34 CFR Secs. 300.563–300.565

Upon request, parents are told the types and locations of education records maintained by this LEA. A record is kept of anyone accessing records other than parents or authorized personnel. If an education record includes personally identifiable information about more than one child, the parents are only given access to information specifically about their child.

Policy on Fees Regarding Records

34 CFR Sec. 300.566

A fee may be charged for copies of educational records, but only if the fee does not prevent parents from exercising their rights. No fee is charged for locating or retrieving a child's educational records for the child's parents.

Amendment of Records at Parents' Request; Hearing Procedures

34 CFR Sec. 300.567–300.570

Parents have the right to contest the content of education records and request amendment. If not satisfied with the action of the district regarding their request to amend records, parents are advised of their rights to a hearing. After a hearing, the LEA may decide to amend the record as requested or not to amend it, in which case the parent is given an explanation of the reasons for the decision and the opportunity to place a written statement or comment with the disputed record.

Conditions Under Which Parental Consent is Required

34 CFR Sec. 300.571

Parent consent is sought before any personally identifiable information is disclosed or released to anyone other than an agency that is authorized by the FERPA regulations to receive information for specified purposes without parental consent. Policies and procedures are in place for use in the event that a parent refuses consent.

Responsibility for Safeguarding Personally Identifiable Information

CFR Sec. 300.572

The confidentiality of personally identifiable information is safeguarded by maintaining a public listing of individuals authorized to access education records and ensuring that those collecting or using the information are aware of and committed to the policies and procedures protecting confidentiality under FERPA.

Destruction of Information

34 CFR Sec. 300.573

Parents are informed if any personally identifiable information is no longer needed. Information that is no longer needed must be destroyed at the request of parents. Permanent records including such information as name, address, phone number, grades,

attendance records, classes, grade level completed, and year completed may be kept without time limit.

Children's Rights Regarding Records

34 CFR Sec. 300.574

The rights of parents regarding educational records (and all other rights under the IDEA and FERPA) transfer to the child at age 18 unless a court has determined that the child is incompetent and appointed a guardian or other decision-maker for the child.

NEW MEXICO RULES

Parents' Rights: Permission to Inspect, Review, and Request Amendment

6.31.2.13 (L)(2) NMAC

Any public agency collecting, using, or maintaining any personally identifiable information on a child must permit the parents or guardians to inspect, review, and request amendment of that information if they believe that it is inaccurate or misleading.

The LEA may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable state law. New Mexico law requires that a court order must have been issued explicitly denying a parent access to the child's educational records before the school can deny a parent's access.

Transfer of Records: Inclusion of Language in Annual FERPA Notice to Parents Stating Policies; Option of LEA to Include Its Disciplinary Actions Above a Certain Level in Student's Records

6.31.2.13 (L)(3)NMAC

As authorized by the FERPA regulations, this LEA includes in its annual notification to parents a statement that it will transfer student records when requested to do so by another educational agency in which the student seeks or intends to enroll. State-supported educational programs, including the educational programs of juvenile or adult detention or correctional facilities, are entitled to request and receive records on the same basis as local school districts. School disciplinary information may be included in and forwarded with the education records of students with disabilities under locally developed policies and procedures that meet the requirements of 6.31.2.13(L)(3)(d) NMAC.

Parents' Refusal of Consent: Due Process Option

6.31.2.13 (L-4) NMAC

If parental consent is required for a particular release of information and the parent refuses, the sending or receiving agency may use the first level IDEA due process procedures to determine whether the information may be released without the parent's consent. The hearing officer will determine if the proposed release is reasonably

necessary to enable the public agencies to fulfill their educational obligations toward the child. The hearing officer's decision is final and not subject to administrative review.

Destruction of Information: Procedures for Providing Informed Consent to Destroy Records

6.31.2.13 (L-5) NMAC

If the public agency determines that any information included in a student's records is no longer needed, the agency must inform parents of the proposed destruction of information and give them the right to inspect and then consent to the destruction or, at their option, to be given the records. Parents may also initiate a request for destruction of information, but if no request for destruction is initiated, records may be maintained without time limitation.

Procedural Safeguards

It is the policy of this LEA to afford the IDEA's procedural safeguards to children with disabilities and their parents in accordance with 34 CFR Sec. 300.129. We further assure that the procedures identified in 34 CFR Secs. 300.500–300.529, 300.143, and the provisions under subsections (A)–(K) of 6.31.2.13 NMAC are adopted as the policy of this LEA. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Responsibility of Public Agencies; Definitions

34 CFR Sec. 300.500

Consent means that the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication. The parent understands and agrees in writing to the carrying out of the activity for which consent is sought and the consent describes that activity and lists the records, if any, that will be released and to whom. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time; if the parent revokes consent, that revocation is not retroactive.

Evaluation means procedures used in accordance with IDEA's Procedures for Evaluation and Determination of Eligibility (34 CFR 300.530-300.536) to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Personally identifiable means that information includes the name of the child, the child's parent, or other family member; the address of the child; a personal identifier, such as the child's social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Parents' Rights to Examine Records and Participation in Meetings

34 CFR Sec. 300.501

The parents of a child with a disability are afforded the opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of their child and the provision of FAPE to the child.

The parents of a child with a disability are afforded the opportunity to participate in meetings with respect to the identification, evaluation and educational placement of the child and the provision of FAPE to the child. A meeting does not include informal or unscheduled conversations involving school personnel on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting does not

include preparatory activities that school personnel engage in to prepare proposals or responses to parent proposals that will be discussed at a later meeting.

Because there is a higher statutory standard in IDEA regarding placement decisions, parents must be afforded opportunity to participate in decisions regarding educational placement for the child with a disability. If neither parent can participate in a meeting, other methods may be used to ensure participation such as individual or conference telephone calls, or videoconferencing. The LEA makes every effort to afford parents to participate in placement decisions. However, there are situations in which, even though the LEA has made reasonable efforts to include the parent, the parent is not able to participate. In these cases, the team may go forward with decision making, but keeps a record of attempts to ensure parent participation consistent with 34 CFR 300.345(d).

Policies Regarding Independent Educational Evaluation

34 CFR Sec. 300.502

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.

Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with IDEA regulations for FAPE-methods and payments (34 CFR 300.301).

Conditions under Which Prior Written Notice is Required; Content of Notice

34 CFR Sec. 300.503

See Notice Requirements, under New Mexico Rules below.

Requirements to Provide Procedural Safeguards Notice to Parents

34 CFR Sec. 300.504

See Notice Requirements, under New Mexico Rules below.

Parental Consent: When Required and How Obtained

34 CFR Sec. 300.505

See Acquire Informed Parental Consent, under New Mexico Rules below

Mediation as a Means of Resolving Disputes

34 CFR Sec. 300.506

See Conflict Management and Resolution, under New Mexico Rules below.

Requirements and Procedures Regarding Due Process Hearings

34 CFR Secs. 300.507–300.511

See Policies and Procedures for Due Process Hearings and Appeals, under New Mexico Rules below.

Court Actions and Attorneys' Fees

34 CFR Secs. 300.512–300.513

See Policies and Procedures for Due Process Hearings and Appeals, under New Mexico Rules below.

Child's Status During Administrative or Judicial Proceedings

34 CFR Sec. 300.514

During the period awaiting a decision of the hearing officer, the child involved must remain in his/her current educational placement. There are two exceptions to this provision: 1) as provided in 34 CFR 300.526 Placement during Appeals, which addresses appeals related to disciplinary actions and allows immediate removal of the child if safety is a concern, and 2) the LEA and the parent agree to some other placement. Disagreements may occur over which placement is the current educational placement. If the parties cannot resolve this disagreement, the current placement will be determined by the hearing officer.

Surrogate Parents; Transfer of Rights at Age of Majority

34 CFR Sec. 300.515; 300.517

See Surrogate Parents and Foster Parents, under New Mexico Rules below.

Rights and Responsibilities of Parents, Child, and School Regarding Discipline Procedures

34 CFR Secs. 300.519–300.529

See Student Disciplinary Actions, under New Mexico Rules below.

NEW MEXICO RULES

The Responsibility to Establish, Implement, and Maintain Procedural Safeguards that meet the Requirements of the IDEA

6.31.2.13(A) NMAC

All persons who are involved with special education and related services ensure that procedural safeguards are established, implemented and maintained in accordance with all applicable federal and state regulations.

The LEA has designated the Compliance Officer as responsible to assure that staff members are appropriately trained and comply with all applicable procedural safeguards requirements.

Afford Parents the Opportunity to Examine Records

6.31.2.13 (B) NMAC

Parents are given the opportunity to inspect and review all education records related to the child in compliance with IDEA, Part B.

Invite Parents and the Child as Appropriate to Meetings

6.31.2.13 (C) NMAC

The parents and the child, as appropriate, are given the opportunity to participate in meetings that have to do with identification, evaluation, and placement or the provision of FAPE to the child.

Notice Requirements: Meetings, Proposed Actions, and Procedural Safeguards

6.31.2.13 (D) NMAC

Parents are provided with advance written notice of IEP and other meetings in which they have the right to participate. Parents are given reasonable prior notice of any actions proposed or refused by the agency. Copies of the state's procedural safeguards notice, "Parent and Child Rights in Special Education," are given to parents upon initial referral for evaluation, with each notification of an IEP meeting, upon each reevaluation, and upon request. (The procedural safeguards notice is given to the parents by the Public Education Department upon its receipt of a request for due process.)

Communicate in Understandable Language

6.31.2.13 (E) NMAC

Every reasonable effort is made to provide all information and communication with the parents in a manner that can be understood, including the parents' native language or other mode of communication.

Acquire Informed Parental Consent

6.31.2.13 (F)NMAC

No action that requires prior written parent consent is taken without first obtaining that consent. These include, but are not limited to, evaluation, reevaluation, initiating services, and administering tests not given to all children. Some exceptions apply under 6.31.2.13 (F) (3)–(5) NMAC

Conflict Management and Resolution

6.31.2.13 (G) NMAC

We seek to establish and maintain constructive working relationships with parents. We use the services of impartial facilitators and/or mediators, as necessary, to attempt to resolve differences at the local level before resorting to more time-consuming and costly measures.

State Complaint Procedures

6.31.2.13 (H) NMAC

We acknowledge and let parents know that the PED can accept and investigate formal complaints that this LEA has failed to comply with the state or federal laws and regulations governing programs for children under the IDEA, the state regulations regarding services for gifted children, or to review an appeal from a decision of a public agency with respect to such a complaint. See 6.31.2.13 (H) NMAC for the detailed regulations regarding state complaint procedures.

Policies and Procedures for Due Process Hearings and Appeals

6.31.2.13 (I) NMAC

Parents are informed of their right to file for due process. This notification is included in the state's procedural safeguards notice "Parent and Child Rights in Special Education." The policies and procedures governing due process hearings and appeals are detailed in 6.31.2.13 (I) NMAC.

Surrogate Parents and Foster Parents

6.31.2.13 (J)NMAC

This LEA assures that the rights of a child with a disability are protected by a natural parent, surrogate parent, or foster parent.

The LEA has designated the Compliance Officer as responsible to assure that surrogate parents are appropriately trained and informed of their responsibilities in representing the child with disabilities in all matters relating to the identification, evaluation and educational placement of the child and the provision of FAPE to the child.

Transfer of Parental Rights to Students at Age 18

6.31.2.13 (K) NMAC

In New Mexico the age of majority is 18. On a child's 18th birthday, unless he or she has previously been determined by an appropriate court to be incompetent and had a legal guardian or other decision-maker appointed, the child is considered an adult with all the rights and responsibilities of adulthood. Parents of a child with a disability are notified of this law and no later than when the child turns 17.

Student Disciplinary Actions

6.31.2.11(F)(2) NMAC, 6.11.2.10-.11 NMAC

Suspensions, expulsions and other disciplinary changes of placement for children with disabilities are carried out in compliance with all applicable requirements of 34 CFR Secs. 300.519-300.529 and the state rules on student rights and responsibilities at 6.11.2.10-11 NMAC.

The Compliance Officer is responsible for ensuring that LEA administrative authorities and disciplinarians are trained in how to conduct manifestation inquiries and disciplinary hearings when students with disabilities are involved.

The Compliance Officer is responsible for training appropriate staff on how to conduct functional behavioral assessments and develop behavioral intervention plans, including positive behavioral supports, for students with disabilities.

The LEA allows students with disabilities on long-term suspension or expulsion to earn credits, consistent with IDEA's FAPE provisions (34 CFR 300.121).

Public Information

It is the policy of this LEA to provide parents of children with disabilities and the general public access to documents relating to the LEA's eligibility for IDEA funds in accordance with 34 CFR Sec. 300.242. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Public Information

34 CFR Secs. 300.242

This LEA makes available to parents of children with disabilities and to the general public all documents relating to its eligibility under Part B of the IDEA, including applications for IDEA funding, these policies and procedures, state reports regarding monitoring, complaints or due process hearings and other communications to or from the state regarding eligibility.

The LEA has designated the Director of Special Education as the contact person for parents wanting to review documents relating to the LEA's eligibility under IDEA Part B.

Comprehensive System of Personnel Development (CSPD)

It is the policy of this LEA to maintain adequate staffing with personnel who are appropriately trained and prepared to meet the needs of our eligible students with disabilities in accordance with 34 CFR Sec. 300.221. We further assure that the procedures identified in 34 CFR Secs. 300.135, 300.380–300.382 and the provisions under subsection (B)(3) of 6.31.2.9 NMAC are adopted as the policy of this LEA. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Information Required to be Filed

34 CFR Sec. 300.221

This LEA is committed to having all personnel who serve children with disabilities properly prepared for their assigned responsibilities, including participation in the state's comprehensive system of personnel development as appropriate.

The LEA annually provides information to the Public Education Department (PED) regarding special education and related service personnel hired by the district and their qualifications.

Comprehensive System of Personnel Development

34 CFR Sec. 300.135

The CSPD is designed to ensure an adequate supply of qualified personnel to meet the state's needs.

General Requirements; Supply of Qualified Personnel and Improvement Strategies

34 CFR Secs. 300.380–300.382

This LEA will assist the state upon request in assessing local personnel needs and providing information on current and anticipated vacancies and shortages. The state identifies and addresses needs for in-service and pre-service preparation and provides a detailed plan that includes strategies for filling needed positions as described in 34 CFR 300.382 .

The LEA provides information requested by the Public Education Department (PED) regarding local needs for in-service or pre-service preparation as part of the state's obligation to provide a comprehensive system of personnel development. LEA personnel access training opportunities that address local needs.

NEW MEXICO RULES

Responsibilities for Staffing

6.31.2.9 (B)(3) NMAC

All personnel serving children with disabilities are qualified under state licensure requirements and are adequately prepared for their assigned responsibilities. Support personnel are appropriately trained and supervised in accordance with licensure rules or written PED policy. Qualified personnel are recruited to fill vacancies, but on a case-by-case basis, positions may be filled with the most qualified individuals who are progressing toward completing applicable licensure requirements.

The LEA has designated the Associate Superintendent for Human Resources as the individual responsible for recruitment of qualified personnel to meet needs within the district. All administrative personnel have responsibilities for helping the LEA retain qualified personnel once hired by providing a supportive work environment and opportunities for professional development or training that are appropriate to the individual's duties.

Personnel Standards

It is the policy of this LEA to assure that personnel standards for all individuals serving children with disabilities are met in accordance with 34 CFR Sec. 300.136 and 6.13.2.9 (B)(3)NMAC. In addition, we ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.

FEDERAL REGULATIONS

Personnel Standards

34 CFR Sec. 300.136

Personnel serving students with disabilities hold appropriate degrees, licenses, certifications, registrations, or other comparable requirements that apply to their specific profession or occupational category as defined by the state. Every effort is made to recruit and hire qualified personnel necessary to meet all the needs of the students with disabilities in the district. The state may allow employment of paraprofessionals and assistants who are appropriately trained and supervised. In the event of instructional needs exceeding available personnel, the state addresses the shortages with CSPD and other strategies, including providing training for individuals in order to qualify them for service.

NEW MEXICO RULES

This LEA assures that personnel standards are also in accordance with New Mexico policy regarding staffing, specifically 6.13.2.9 (B)(3) NMAC described under CSPD above.

Additional Information – Evaluations/Reevaluations

You will note that the Policy and Procedure Manual template has the following sentence in each section: *We further ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.*

How do you ensure that all evaluations and reevaluations are conducted in a timely manner? (Respond by answering the following questions.)

1. Who monitors for compliance (position, not name)? The Compliance Officer
2. What does this person/team do? The Compliance Officer reviews IEPs for compliance with IDEA requirements, including timelines. In addition, printouts are obtained monthly from each campus to ensure that annual reviews and reevaluations are being completed in a timely manner.
3. When? How often? The reviews are ongoing throughout the year; print-outs are reviewed monthly.
4. How would you correct non-compliance (if detected) within one year. It is not possible to correct non-compliance with timelines once they have been exceeded. Additional training for individuals and/or campuses is mandatory when patterns of non-compliance are detected.

Additional Information – Transition Plans

You will note that the Policy and Procedure Manual template has the following sentence in each section: *We further ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.*

How do you ensure that all transition plans are developed, implemented, and reviewed in a compliant way? (Respond by answering the following questions.)

1. Who monitors for compliance (position, not name)? The Compliance Officer
2. What does this person/team do? The Compliance Officer reviews IEPs for compliance with all IDEA requirements, including those addressing transition. This person is also responsible for ensuring that the IEP forms used in the district contain all required transition components as listed in IDEA.
3. When? How often? IEP reviews are conducted throughout the school year. Forms are modified as rules and regulations change (e.g., Reauthorization).
4. How would you correct non-compliance (if detected) within one year? When appropriate, non-compliance with transition requirements is addressed by reconvening the IEP committee and addressing the non-compliant issue or area. When patterns of problems with transition become evident (by campus or by individual staff members), additional training is scheduled and held.

Additional Information – C to B transition

You will note that the Policy and Procedure Manual template has the following sentence in each section: *We further ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.*

How do you ensure that all preschoolers eligible for Part B services experience a seamless transition from Part C services? (Respond by answering the following questions.)

1. Who monitors for compliance (position, not name)? The Early Childhood Coordinator
2. What does this person/team do? The Early Childhood Coordinator monitors all aspects of the transition process from Part C to Part B services. This includes 90-day parent meetings, attending ISFP/IEP meetings, coordinating parent visitations to the public schools, maintaining updated records for submission of data through the Accountability Data System (ADS).
3. When? How often? This is ongoing throughout the school year.
4. How would you correct non-compliance (if detected) within one year? Depending on the nature of the noncompliance (i.e., if the student's right to FAPE is jeopardized), an IEP team would be convened to address and correct the issue.

Additional Information – Discipline

You will note that the Policy and Procedure Manual template has the following sentence in each section: *We further ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.*

How do you ensure that all students with disabilities subject to possible disciplinary measures are handled in accordance with federal and state regulations? (Respond by answering the following questions.)

1. Who monitors for compliance (position, not name)? The Compliance Officer
2. What does this person/team do? The Compliance Officer trains administrators, special education support staff, and campus instructional staff on the discipline requirements in federal and state regulations. This person also ensures that all forms in use with respect to discipline contain all required components. In addition, the Compliance Officer reviews IEPs of students with specific discipline issues to ensure that Manifestation Determinations, removals for more than 10 days, etc., are addressed/completed in accordance with state and federal guidelines.
3. When? How often? This is ongoing during the school year.
4. How would you correct non-compliance (if detected) within one year? When patterns of problems with implementing discipline measures are observed, additional training is conducted for an individual or staff members at a campus. When there is a compliance issue related to disciplining an individual student, the IEP meeting will be reconvened to address the issue.

Additional Information – Least Restrictive Environment

You will note that the Policy and Procedure Manual template has the following sentence in each section: *We further ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.*

How do you ensure that placement decisions for students with disabilities are compliant with federal and state regulations? (Respond by answering the following questions.)

1. Who monitors for compliance (position, not name)? The Compliance Officer
2. What does this person/team do? The Compliance Officer routinely reviews IEPs, of which LRE requirements are an important part. Extensive training has been held in the district on addressing LRE requirements, including the development of a separate page in the IEP to specifically address this area.
3. When? How often? IEP reviews are ongoing throughout the school year.
4. How would you correct non-compliance (if detected) within one year? Any noncompliance that jeopardizes a student's right to FAPE requires that an IEP meeting be convened to correct the issue. General patterns of problems will result in additional training being provided to individuals or campus staff.

Additional Information – Test Accommodations

You will note that the Policy and Procedure Manual template has the following sentence in each section: *We further ensure that the practices implementing these policies and procedures are monitored for compliance and any instance of non-compliance is corrected within one year.*

How do you ensure that students with disabilities are included in all mandated assessments with appropriate accommodations? (Respond by answering the following questions.)

1. Who monitors for compliance (position, not name)? The Compliance Officer
2. What does this person/team do? The Compliance Officer reviews IEPs to determine that accommodations are being addressed. This person also ensures that the IEP forms contain all the necessary information for decision-making by the IEP committee in this area. In addition, the Compliance Officer communicates on an on-going basis with the Director of Accountability and Testing as well as the campus Test Coordinators to ensure that procedures are in place at each campus to implement accommodations as address in the IEP of each student.
3. When? How often? This process is ongoing throughout the school year.
4. How would you correct non-compliance (if detected) within one year? Depending on the nature of the non-compliance, additional training would have to be held for campus administrators and campus test coordinators on implementing the accommodations as written in the IEPs. Additional training for special educators would be required if the accommodations were not being developed appropriately by the IEP committees.

Nonsupplanting Worksheet

Dec. 1 count of students with disabilities line item description	02-03 = <u>2047</u> expend. 02-03*	03-04 = <u>2161</u> budget 03-04*
1.1412 teachers-sp ed	<u>4,780,872.22</u>	<u>5,311,130.00</u>
1.1712 aides-sp ed	<u>1,374,239.11</u>	<u>1,543,555.00</u>
2.1311 diags-salary	<u>759,162.07</u>	<u>852,198.00</u>
2.1312 SLPs-salary	<u>907,000.54</u>	<u>1,186,506.00</u>
2.1313 OTs-salary	<u>252,635.73</u>	<u>276,966.00</u>
2.1314 PTs-salary	<u>164,177.00</u>	<u>168,908.00</u>
2.1315 psychs-salary	<u>279,133.27</u>	<u>317,470.00</u>
2.1316 audiologists-salary	<u>0.00</u>	<u>0.00</u>
2.1317 interpreters-salary	<u>28,285.99</u>	<u>30,352.00</u>
2.1318 O & M-salary	<u>0.00</u>	<u>0.00</u>
2.3111 diags-contract	<u>0.00</u>	<u>25,000.00</u>
2.3112 SLPs-contract	<u>92,822.97</u>	<u>40,000.00</u>
2.3113 OTs-contract	<u>14,983.06</u>	<u>5,000.00</u>
2.3114 PTs-contract	<u>0.00</u>	<u>5,000.00</u>
2.3115 psychs-contract	<u>0.00</u>	<u>5,000.00</u>
2.3116 audiologists-contract	<u>0.00</u>	<u>0.00</u>
2.3117 interpreters-contract	<u>0.00</u>	<u>0.00</u>
2.3118 O & M-contract	<u>0.00</u>	<u>0.00</u>
9.3111 diags-summer	<u>0.00</u>	<u>0.00</u>
TOTAL	<u>8,653,311.96</u>	<u>9,767,085.00</u>

* Expenditures and budget amounts are from 11000 (operational) only.

Federal regulations do not specify a format for this worksheet. However, they specify that state and local funds **budgeted** for special education must equal or surpass state and local funds **expended** for special education in the previous year. We are looking at the line items above because they seem to be specifically related to special education. Districts may choose to keep track of a different assortment of line items that are considered to be more representative of expenditures for special education in that district.

If districts are found to be in violation of the nonsupplanting assurance, they will be required to revise their operational budgets. If violations appear to be repeated or deliberate, IDEA-B money may be withheld.

If you have questions about this worksheet, please contact Bonnie Anderson in the Special Education Office at 827-6798.

These figures are available here at the Public Education Department and the applicant will be contacted if supplanting issues appear. We provide this worksheet for your information only.