

PROGRAMS FOR STUDENTS WITH DISABILITIES

Child Find

MSD of Wayne will identify, locate, and evaluate students at least three (3) years of age but less than twenty-two (22) years of age who are in need of special education and related services, regardless of whether the student is enrolled in a school. This includes students who:

- a) have legal settlement within the District;
- b) attend a nonpublic school, are served by an agency, or live in an institution located within the District;
- c) are homeless students as defined at 511 IAC 7-32-46;
- d) are wards of the state;
- e) are highly mobile students, including migrant students; or
- f) are suspected of being students with disabilities in need of special education even though they are advancing from grade to grade.

To effectuate its affirmative, ongoing Child Find obligations under the Individuals with Disabilities Education Improvement Act (IDEA), 511 IAC 7-32 *et. seq* (Article 7), and Section 504 of the Rehabilitation Act, the District shall to the following:

1. Continuously post the notice of non-discrimination on the District website;
2. At least annually, publicize the notice of non-discrimination in student handbooks and parent handbooks;
3. When District staff deems appropriate, initiate a conversation with a student's parent(s) regarding RTI and/or seeking parental consent for an initial evaluation for special education;
4. Encourage communication between the District McKinney-Vento Homeless Liaison and the District Office of Special Services to identify students in need of special education and related services;
5. Encourage communication between the District Social Worker and the District Office of Special Services to identify students in need of special education and related services;
6. Encourage communication between nonpublic schools located within the District and the District Office of Special Services to identify students in need of special education and related services;
7. Provide parents with the [Procedural Safeguards](#) upon the initial referral or parent's request for evaluation, or upon the parent's request;
8. Conduct language screenings of all kindergarten-age students who are not already receiving speech services and are native English speakers, as well as all new to the District first grade students fitting the same criteria, to identify students in need of special education and related services;
9. Conduct hearing screenings of all students in grades 1, 4, 7, and 10 to identify students in need of special education and related services;
10. Provide public awareness to inform citizens of educational opportunities available to individuals with disabilities and maintaining documentation of such activities;

11. Distribute information regarding availability of services; and
12. Widespread distribution of materials to police and fire departments, PTA presidents, adult literacy programs, health care and childcare providers, social service agencies, school counselors, and other service providers who worked with young children.

In addition, the Response to Intervention (RTI) will be utilized as a framework for prevention, advancement, and early intervention process in the general education environment. Any individual (teacher, school administrator, counselor, or parent) concerned with the educational welfare of a student may access the RTI process.

Special Education Transition Services

To ensure children participating in early intervention programs under Part C of the IDEA experience a smooth and effective transition to early childhood special education under Part B of the IDEA, the District Evaluation Teacher shall coordinate with First Steps staff and parents of students receiving services prior to the student entering pre-kindergarten.

Procedural Safeguards

Copies of the *Notice of Procedural Safeguards and Parent Rights in Special Education* (“*Procedural Safeguards*”) are available [in English](#) and [in Spanish](#). Printed copies shall be available from the District Office of Special Services.

If parents speak another language or mode of communication, the District Office of Special Services shall work in good faith to provide the *Procedural Safeguards* in the parents’ native language or other mode of communication (e.g., Braille), unless it is clearly not feasible to do so.

District staff shall provide parents or legal guardians with the *Procedural Safeguards* upon:

- a) the initial referral or parent’s request for evaluation;
- b) filing of the first complaint during the school year;
- c) filing of the first due process hearing during the school year;
- d) the date the District decides to take disciplinary action that constitutes a change of placement, including removal to an interim alternative educational setting for weapons, drugs, or serious bodily injury; and
- e) parent’s request.

Provide the [Notice of Procedural Safeguards and Parent Rights in Special Education Acknowledgement Form](#). The parent should note on the *Acknowledgement Form* that he/she was offered a copy of the *Notice* and either took the copy, or waived receiving a copy.

Discipline

Discipline for special education students is subject to the requirements of 20 U.S.C. 1415 *et seq.* and 511 I.A.C. 7-38-1 *et seq.* Disciplinary guidelines can be accessed in the [Staff Special Education Procedures Manual in MSD of Wayne Township](#).

Homebound Instruction

Homebound education services may be provided by a licensed teacher to students who are unable to attend school for at least twenty (20) consecutive school days due to medical conditions or needs. Although homebound instruction is generally provided for students with disabilities, students without disabilities may also require homebound instruction if an injury or temporary or chronic illness precludes their attendance in school.

Homebound instruction may be provided in the student's home, a hospital, or alternative setting via in-person instruction or via technology systems.

In general, the process for approving homebound instruction is as follows:

1. When the parent or guardian notifies the school of the absences or pending absence of a student, the building principal or his or her designee shall inform the parent of the need for a Certificate of Incapacity.
2. The parent or guardian shall provide the Office of Special Services with a Certificate of Incapacity ([Appendix A](#)) signed by a physician.
3. After the District Office of Special Services has received a signed Certificate of Incapacity, the District Office of Special Services, the building principal, the parent or legal guardian, and the teachers who regularly work with the student (including, if applicable, the student's teacher of record), shall coordinate the appropriate instructional program for the student.
4. The building principal will submit the suggested instructional program to the District Office of Special Services. The Office of Special Services shall determine the appropriate amount of homebound services to be provided. In general, students shall receive a maximum of four (4) hours per week. Laboratory, activity-based (i.e., physical education) and group-based courses are not available through homebound services. If the student receives special education and related services, those services shall be provided in accordance with the student's IEP.
5. The District Office of Special Services shall assign an appropriate homebound teacher for the student. The homebound teacher will hold a teaching license for the appropriate grade level of the student and shall not be assigned more than five (5) homebound students at any given time. For students eligible for special education and related services, instruction will be provided by appropriately licensed personnel.
6. Where the CCC has determined that instruction in the student's home or alternative setting is the student's least restrictive environment, the CCC must convene at least every sixty (60) instructional days to review the [IEP](#). The review must include the type, length, frequency, and duration of services provided in the homebound IEP. Homebound placements are an extremely restrictive environment on the LRE spectrum, and this Article 7 requirement assures that homebound placements are closely monitored and not implemented for a longer period than appropriate. Homebound placements are generally utilized for medical reasons or "redirect" reasons, when extreme behavior needs to be addressed for a short period of time. While all homebound placements should be as short as possible in length, it is especially imperative to make "redirect" homebound placements as short as possible and create a "reentry plan" to transition the student to a lesser restrictive environment. At a 60-day Review of Homebound Placement CCC meeting, the school should present data and transition plans appropriate to transition the

student to a lesser restrictive environment. The goal is to move the student back to a school setting as quickly as appropriate. Therefore, the “reentry plan” must be included in the IEP’s Written Notes section at every 60-day Review of Homebound Placement CCC meeting.

7. The homebound teacher is to submit forms ([Appendix B](#)) to the Office of Special Services for Teacher Application for Homebound or Afterschool Instruction to become a Homebound teacher as well as complete the Certification of Alternative Educational Setting Instruction with lesson plans attached.

Educational Surrogate Parents

The District shall assign an [educational surrogate parent](#) for a student when:

- (a) no parent, as defined in 511 IAC 7-32-70, can be identified;
- (b) after reasonable efforts, the school cannot locate a parent;
- (c) the student is a ward of the state, unless certain circumstances as defined in 511 IAC 7-39-1 exist; or
- (d) the student is a homeless student, as defined in 511 IAC 7-32-46, who is not in the physical custody of a parent or guardian.

The educational surrogate parent (ESP) serves the same role and has the same responsibilities as a parent in the special education process, representing the student in all matters relating to the identification, evaluation and eligibility, placement, and provision of a free appropriate public education. An ESP will be assigned at the time the student is referred for an initial educational evaluation and/or any time the District determines that a student receiving special education and related services is in need of an ESP.

In general, the process for assigning an educational surrogate parent is as follows:

1. District staff shall make reasonable efforts to contact the student’s parent or legal guardian. “Reasonable efforts” includes at least three (3) attempts to contact the parent or guardian by last known phone, email, and/or address. If the student is appropriately aged, District staff may inquire with the student about the appropriate means to contact the parent or legal guardian.
2. If the parent or legal guardian cannot be identified or located after reasonable efforts, District staff shall notify the building assistant principal or other designated staff immediately.
3. The assistant principal or other designated staff shall send a written inquiry to the student’s last known address, and (if different from the student’s last known address), the parent or legal guardian’s last known address. The written inquiry shall require a response from the parent or legal guardian within five (5) business days. The written inquiry will also inform the parent or legal guardian that nonresponse will result in the District initiating the assignment of an educational surrogate parent.
4. If the student’s parent or legal guardian does not respond within five (5) business days after the written inquiry was sent, or responds negatively, the assistant principal or other

designated staff will seek an appropriate ESP for the student based on the following criteria:

- a) The ESP may not be employed by the Indiana Department of Education, MSD of Wayne Township or any other public agency (school), or any other agency involved in the education or care of student.
 - b) The ESP may have no personal or professional interest that conflicts with the interest of the student.
 - c) The ESP must match the student's cultural and linguistic background to the extent possible.
 - d) The ESP must have knowledge and skills that ensure adequate representation to the student.
 - e) The ESP must be at least eighteen (18) years of age.
 - f) The ESP must live in the same geographical area of the student to the extent possible.
 - g) The ESP must commit to serving a term of one (1) school year. The term is automatically renewed at the end of each school year, unless the ESP resigns or the Superintendent or his or her designee terminates the ESP's assignment. The ESP's assignment may be terminated if the student no longer requires an ESP, the ESP fails to perform the responsibilities of the position, the ESP fails to meet established criteria, or other good or just cause.
 - h) The ESP shall not serve more than three (3) students, unless extraordinary circumstances apply (i.e., all students are from the same household).
5. When the assistant principal or other designated staff determine an appropriate ESP candidate, the potential ESP will complete the [Request for Appointment of ESP Form](#) and submit the Form to the District Office of Special Services. If the assistant principal or other designated staff cannot determine an appropriate ESP for the student, he or she will contact the District Office of Special Services for assistance.
 6. The District Office of Special Services will evaluate the completed Request for Appointment Form. If the Office of Special Services finds the request inadequate or inappropriate, it may seek a different ESP. If the request for appointment is confirmed, the Office of Special Services and ESP will complete the [ESP Appointment Form](#). A copy of the completed and signed ESP Appointment Form shall be uploaded into the student's file on Indiana IEP.
 7. The ESP shall be appropriately trained by the Office of Special Services on special education laws and rules. A District staff member shall provide a copy and a verbal explanation of the Procedural Safeguards, as well as a copy of the Indiana Department of Education's [Navigating the Course: Finding your way through Indiana's Special Education Rules](#). If the ESP requests further training, the District will work in good faith to provide training or resources.

During the process of assigning an ESP, no changes will be made to the student's identification, evaluation and eligibility, placement, or provision of a free appropriate public education. The process shall generally last no longer than thirty (30) calendar days after it is determined that the child needs an ESP.

These guidelines are supplemented by [Staff Special Education Procedures in MSD of Wayne Township](#).

MSD of Wayne Township, Marion County, Indiana

Adopted: April 27, 2014