

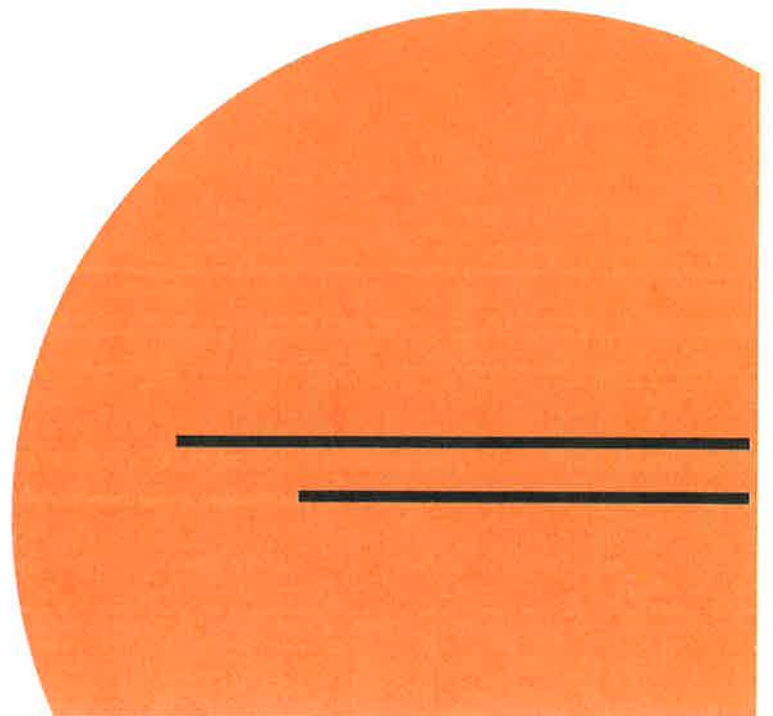


**DODGEVILLE SCHOOL  
DISTRICT**

# **SPECIAL EDUCATION HANDBOOK**

**2024-2025**

Dodgeville School District







|              |   |
|--------------|---|
| Book         | Dodgeville School Board Policies  |
| Section      | PRG Series 300: Instruction   |
| Title        | ACKNOWLEDGEMENT OF THE SPECIAL EDUCATION HANDBOOK AND PROCEDURAL HANDBOOK |
| Code         | 342.1   |
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The School Board recognizes its responsibility to provide an array of programs, interventions, aids, services, modifications, accommodations, and procedural and substantive protections for students with disabilities. The District's legal obligations with respect to students with disabilities arise under various state and federal laws, including but not limited to the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA), and section 118.13 and Chapter 115, Subchapter V of the state statutes. While this policy primarily addresses the District's special education program under the IDEA, the District recognizes that the various state and federal laws create both complimentary and independent rights, protections, and obligations. That is, special education under the IDEA represents only one aspect of the District's comprehensive program for students with disabilities. Further, in order to meet the needs and respect the legal rights of all students with disabilities, the District recognizes that it must not only maintain a comprehensive system of general processes and supports, but also assess each student as an individual and each situation in its unique context.

#### **IDEA Policies, Procedures, and Forms**

The Board has adopted a special education policy and procedure manual based on the model prepared by the Wisconsin Department of Public Instruction (DPI), presently without District-specific substantive modifications. The Board has also adopted the DPI model special education forms, presently without District-specific substantive modifications.

The Board delegates to the Director of Special Education and the District Administrator the authority and responsibility to approve and immediately implement such changes to the District's special education policies, procedures, and forms as are necessary to comply with applicable law, including the approval and implementation of DPI-issued revisions to the DPI model policy and procedure manual and model forms. However, any discretionary substantive changes to the District's special education policies, procedures, and forms that deviate from the DPI models and that are not legally mandated shall be presented to the Board for approval prior to implementation.

The Director of Special Education shall have responsibility for recording, tracking, and reporting to DPI how the District's special education policies, procedures, and forms differ from the DPI models, if at all.

#### **IDEA Programs and Services**

Specific education programs and services for students with disabilities under the IDEA shall be determined by the student's individualized education program (IEP) team and based on an assessment of the student's individual needs. To the extent outlined in the student's IEP (and/or as a result of the application of other legal rights), such students shall participate in state or District academic assessments, with or without accommodations, or in appropriate alternate assessments.

The Board delegates to the Director of Special Education the authority to designate and maintain a current list of the District employees who are authorized to serve as the local education agency (LEA) representative on District IEP teams and in other special education processes. Such designees shall receive periodic training that is specific to serving in that role. To the extent the administration designates an employee as an LEA representative whose current job description does not expressly include that responsibility, the District Administrator shall determine whether the applicable job description should be modified and advise the Board accordingly.

The District may contract with its assigned Cooperative Educational Service Agency, other public school districts, and other qualified persons to provide special education programs and/or services whenever the District determines that such contracting would appropriately meet the needs of the student(s) and otherwise serve as an appropriate means of implementing the special education and related services defined in each student's IEP.

#### **Reports, Audits, and Plans**

The District Administrator or his/her designee shall complete and timely submit all special education report forms, audit materials, and District plans as may be required by any state or federal agency in relation to the District's programs for students with disabilities.

## **Legal References**

### **Wisconsin Statutes**

|                                  |  |
|----------------------------------|--|
| <u>Chapter 115, Subchapter V</u> | [educational programs and services for children with disabilities] |
| <u>Section 118.13</u>            | [student nondiscrimination]  |
| <u>Section 118.30(2)(b)1</u>     | [state student assessments; children with disabilities]            |
| <u>Section 121.54(3)</u>         | [student transportation; children with disabilities]               |

### **Wisconsin Administrative Code**

|              |  |
|--------------|--|
| <u>PI 11</u> | [educational programs and services for children with disabilities] |
|--------------|--|

### **Federal Laws**

|  |  |
|--|--|
| <u>Individuals with Disabilities Education Act</u>   | [programs and services for students with disabilities] |
| <u>Section 504 of the Rehabilitation Act of 1973</u> | [disability discrimination; reasonable accommodations] |
| <u>Americans with Disabilities Act</u>               | [disability discrimination; reasonable accommodations] |

### **Cross References**

***[Insert appropriate intra-district cross references to this policy, if any, such as other district policies, forms/exhibits, handbooks, plans, etc.]***

# **Model Local Educational Agency**

## **Special Education**

### **Policies and Procedures**

*Revised July 2022*

Jill K. Underly, PhD, State Superintendent  
Wisconsin Department of Public Instruction

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# **Model Local Educational Agency Special Education**

## **Policies and Procedures**

### **Preface**

As a condition of funding under the Individuals with Disabilities Education Act (IDEA), local educational agencies are required to establish written policies and procedures for implementing federal special education laws. In addition, Wisconsin law requires local educational agencies to establish written policies and procedures for implementing state and federal special education requirements. *Model Local Educational Agency Special Education Policies and Procedures* has been developed to help local educational agencies meet their obligation to establish and implement special education requirements. A local educational agency may establish special education requirements by adopting the model policies and procedures. The document may also be used as a reference tool and for staff development activities to promote understanding of and compliance with special education requirements.

The state special education statutes, subchapter V, chapter 115, Wis. Stats., incorporate the statutory provisions of Part B of the IDEA. Local educational agencies in Wisconsin must also comply with IDEA's regulations. Therefore, the model policies and procedures are derived primarily from Wisconsin special education statutes and IDEA regulations. A small number of policies and procedures are derived from Wisconsin special education rules, chapter PI 11, Wis. Admin. Code. The underlying law can be found by using the following tools:

1. the table of contents to the IDEA Regulations found at 34 CFR Part 300, Vol. 71 Federal Register, No. 156 (August 14, 2006);
2. the table of contents of the state special education statute, Subchapter V, Chapter 115, Wis. Stats.; and
3. the table of contents for the state special education rules, Chapter PI 11, Wis. Admin. Code.

## Definitions

For the purpose of these policies, the following definitions apply:

- "Assistive technology device" means any item, piece of equipment or product system that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device. 34 CFR § 300.5.
- "Assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device, including all of the following:
  - evaluating the needs of the child, including a functional evaluation of the child in the child's customary environment;
  - purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
  - selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
  - coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitative plans and programs;
  - training or technical assistance for a child with a disability or, if appropriate, the child's family; and
  - training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child. 34 CFR § 300.6.
- "Business day" means Monday through Friday, except for federal and state holidays unless holidays are specifically included in the designation of business day. 34 CFR § 300.11.
- "Charter school" means a school under contract with a school board under Wis. Stat. § 118.40, or with one of the entities under Wis. Stat. § 118.40(2)(2r)(b), or a school established and operated by one of the entities under Wis. Stat. §§ 118.40(2r)(b), 115.001(1).

- "Child" means any person who is at least three years old but not yet 21 years old and who has not graduated from high school and, for the duration of a school term, any person who becomes 21 years old during that school term and who has not graduated from high school, and includes a child who is homeless, a child who is a ward of the state, county, or child welfare agency, and a child who is attending a private school. Wis. Stat. § 115.76(3).
- "Child with a disability" means a child who, by reason of any of the following, needs special education and related services:
  - autism;
  - blind and visually impaired;
  - deaf and hard of hearing;
  - deafblind;
  - emotional behavioral disability;
  - intellectual disabilities;
  - orthopedic impairments;
  - other health impairments;
  - significant developmental delay;
  - specific learning disabilities;
  - speech or language impairments; or
  - traumatic brain injury.

If the local educational agency determines through an appropriate evaluation that a child has one of the impairments listed above but only needs a related service and not special education, the child is not a child with a disability. "Child with a disability" may, at the discretion of the local educational agency and consistent with Department of Public Instruction rules, include a child who, by reason of his or her significant developmental delay, needs special education and related services. 34 CFR § 300.8; Wis. Stat. § 115.76(5).

- "Consent" means:

- 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 his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- the parent also understands the granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

34 CFR § 300.9.

- "Controlled substance" means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substance Act, 21 U.S.C. § 812(c). 34 CFR § 300.530(i)(1).
- "Core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civic and government, economics, arts, history, and geography. 34 CFR § 300.10.
- "Day" means calendar day unless otherwise indicated as business day or school day. 34 CFR § 300.11.
- "Destruction," as used in the section on confidentiality in these policies, means physical destruction or removal of personal identifiers from information so the information is no longer personally identifiable. 34 CFR § 300.611(a).
- "Division" means the Division for Learning Support: Equity and Advocacy in the Department of Public Instruction. Wis. Stat. § 115.76(6).
- "Education records" means the type of records covered under the definition of "education records" set forth in the regulations implementing the Family Educational Rights and Privacy Act of 1974. See Appendix; 34 CFR § 300.611(b).
- "Elementary school" means a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under State law. State law defines elementary grades as including K4-8th grade. 34 CFR § 300.13; Wis. Stat. § 115.01(2).
- "Equipment" means machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house the machinery, utilities, or equipment; and all

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other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents; and other related materials. 34 CFR § 300.14.

- "Evaluation" means procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs. 34 CFR § 300.15.
- "Extended school year services" means special education and related services that are provided to a child with a disability and meet the standards of the State of Wisconsin. These services are provided beyond the normal school year of the local educational agency, in accordance with the individualized education program (IEP), and at no cost to the parents of the child. 30 CFR § 300.106(b).
- "Free appropriate public education" means special education and related services that are provided at public expense and under public supervision and direction, and without charge, meet the standards of the Department of Public Instruction, include an appropriate preschool, elementary or secondary school education; and are provided in conformity with an IEP. 30 CFR § 300.17; Wis. Stat. § 115.76(7).
- "General curriculum" means the same curriculum as for nondisabled children. 34 CFR § 300.320(a)(1)(i).
- "Hearing officer" means an independent examiner appointed to conduct due process hearings under Wis. Stat. § 115.80. Wis. Stat. § 115.76(8).
- "Highly Qualified Teacher" means that a person has met the Department of Public Instruction's approved or recognized certification, licensing, registration in which he/she is providing special education or related services, consistent with provision 34 CFR § 300.18.
- "Homeless children" has the meaning given the term *homeless children and youths* in section 725 of the McKinney-Vento Homeless Assistance Act 42 U.S.C. § 11434(a), as amended, 42 U.S.C. § 11431 *et seq.* See Appendix; 34 CFR § 300.19.
- "Illegal drug" means a controlled substance but does not include such a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under federal law. 34 CFR § 300.530(i)(2).
- "Include" means that the items named are not all of the possible items that are covered whether like or unlike the ones named. 34 CFR § 300.20.

- "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. 34 CFR § 300.502.
- "Individualized education program" (IEP) means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with Wis. Stat. § 115.787, and 34 CFR §§ 300.320 through 300.324. 34 CFR § 300.22; Wis. Stat. § 115.76(9).
- "IEP Team" means a group of individuals described in Wis. Stat. § 115.78 that is responsible for evaluating the child to determine the child's eligibility or continued eligibility for special education and related services and the educational needs of the child; developing, reviewing, or revising an IEP for the child; and determining the special education placement for the child. 34 CFR § 300.23; Wis. Stat. § 115.78.
- "Limited English Proficiency" has the meaning given the term in section 9101 (25) of the Elementary and Secondary Education Act (ESEA).
- "Local educational agency," except as otherwise provided, means:
  - the school district in which the child with a disability resides,
  - when the child attends a nonresident school district under Wis. Stat. §§ 118.51 (open enrollment) or 121.84(1)(a) or (4) (tuition waiver), the district of attendance;
  - the Department of Health and Family Services if the child with a disability resides in an institution or facility operated by the Department of Health and Family Services; or
  - the Department of Corrections if the child with a disability resides in a Type 1 secured correctional facility, as defined in Wis. Stat. § 938.02(19), or a Type 1 prison, as defined in Wis. Stat. § 301.01(5).

Wis. Stat. § 115.76(10).

- "Native language," for individuals with limited English proficiency, means the language normally used by that individual. For children with limited English proficiency, the term means the language normally used by the parents of the child, except that in all direct contact with a child (including evaluation of the child), the term means the language normally used by the child in the home or learning environment. For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the



individual (such as sign language, Braille, or oral communication). 34 CFR § 300.29; Wis. Stat. §. 115.76(11).

- "Nonacademic and extracurricular services and activities" may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities and employment by the public agency and assistance in making outside employment available. 34 CFR § 300.107.
- "Parent" means any of the following:
  - a biological parent;
  - a husband who has consented to the artificial insemination of his wife under Wis. Stat. § 891.40;
  - a male who is presumed to be the child's father under Wis. Stat. § 891.41;
  - a male who has been adjudicated the child's father under subchapter VIII of chapter 48, under subchapter IIX of chapter 767, by final order or judgment of an Indian tribal court of competent jurisdiction or by final order or judgment of a court of competent jurisdiction in another state;
  - an adoptive parent;
  - a legal guardian;
  - a person acting as a parent of a child with whom the child lives;
  - a person appointed as a sustaining parent under Wis. Stat. § 48.428;
  - a person assigned as a surrogate parent under Wis. Stat. § 115.792(1)(a)2; and
  - a foster parent, if the right and responsibility of all of the aforementioned individuals to make educational decisions concerning the child has been extinguished by termination of parental rights, by transfer of guardianship or legal custody or by other court order; the foster parent has an ongoing, long-term parental relationship with the child; the foster parent is willing to make educational decisions required of parents under special education law; and the foster parent has no interests that would conflict with the interests of the child.

The biological or adoptive parent, when attempting to act as a parent of the child, must be presumed to be the parent unless that person does not have legal authority to make educational decisions for the child. 34 CFR § 300.30(b).

"Parent" does not include any person whose parental rights have been terminated; the state, county, or a child welfare agency if a child was made a ward of the state, county, or child welfare agency under chapter 54 or 880 or if a child has been placed in the legal custody or guardianship of the state, county, or a child welfare agency under chapter 48 or chapter 767; or an American Indian tribal agency if the child was made a ward of the agency or placed in the legal custody or guardianship of the agency. 34 CFR § 300.30; Wis. Stat. § 115.76(12).

"Person acting as a parent of a child" means a relative of the child or a private individual allowed to act as a parent of a child by the child's biological or adoptive parents or guardian, and includes the child's grandparent, neighbor, friend, or private individual caring for the child with the explicit or tacit approval of the child's biological or adoptive parents or guardian. "Person acting as a parent of a child" does not include any person that receives public funds to care for the child if such funds exceed the cost of such care. 34 CFR § 300.30(a)(4); Wis. Stat. § 115.76(13).

- "Participating agency," as used in the section on *Confidentiality of Information* in these policies, means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under the Individuals with Disabilities Education Act. 34 CFR § 300.611(c).
- "Personally identifiable" means information that 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. 34 CFR § 300.32.
- "Parentally-placed private school children with disabilities" are children with disabilities enrolled by their parents in private schools or facilities, including religious schools or facilities that meet the definition of elementary school or secondary school, other than children with disabilities placed or referred to private schools by public agencies. 34 CFR § 300.130.
- "Public Agency" includes the State Educational Agency, Local Educational Agency, Cooperative Educational Service Agency (CESA), charter schools operating under Wis. Stat. § 118.40(2r), county children with disabilities education board, and any other political subdivisions of the State that are responsible for providing education to children with disabilities. 34 CFR § 300.33.

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- "Pupil Records" means all records relating to individual pupils maintained by a school but does not include:
  - notes or records maintained for personal use by a teacher or other person to be licensed if such records or notes are not available to others;
  - records necessary for, and available only to persons involved in, the psychological treatment of a pupil; and
  - law enforcement unit records.

Wis. Stat. § 118.125(1)(d).

- "Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics. Wis. Stat. § 118.125(1)(e).
- "Related services" means transportation and such developmental, corrective and other supportive services (including speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; social work services; school health services; school nursing services designed to enable a child with a disability to receive a free appropriate public education as described in the child's IEP; parent counseling and training; counseling services, including rehabilitation counseling; orientation and mobility services; medical services for diagnostic or evaluative purposes only; and the early identification and assessment of disabilities in children) as may be required to assist a child with a disability to benefit from special education. "Related services" does not include a medical device that is surgically implanted, the optimization of device functioning, maintenance of the device, or the replacement of such a device. Nothing in this definition limits the rights of a child with a surgically implanted device to receive related services as determined by the IEP Team to be necessary, limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, while the child is transported to and from school or is at school; or prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly. 34 CFR § 300.34; Wis. Stat. § 115.76(14).

In this definition:

- "Audiology" includes:
  - identification of children with hearing loss;

- determination of the range, nature, and degree of hearing loss including referral for medical or other professional attention for the habilitation of hearing;
  - provision of habilitative activities such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation and speech conservation;
  - creation and administration of programs for prevention of hearing loss;
  - counseling and guidance of pupils, parents, and teachers regarding hearing loss; and
  - determination of the child's need for group and individual amplification, selecting and fitting an appropriate aid and evaluating the effectiveness of amplification.
- "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors or other qualified personnel.
  - "Early identification and assessment of disabilities in children" means the implementation of a formal plan for identifying a disability as early as possible in a child's life.
  - "Interpreting services," as used with respect to children who are deaf or hard of hearing, includes oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, and special interpreting services for children who are deaf-blind.
  - "Medical services" means services provided by a licensed physician to determine a child's medically-related disability that results in the child's need for special education and related services.
  - "Occupational therapy" means services provided by a qualified occupational therapist, and includes:
    - improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;
    - improving ability to perform tasks for independent functioning if functions are impaired or lost; and
    - preventing, through early intervention, initial or further impairment or loss of function.

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- "Orientation and mobility services" means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community, and includes teaching students the following as appropriate:
  - spatial and environmental concepts and use of information received by the senses (such as sound, temperature, and vibrations) to establish, maintain, or regain orientation and line of travel (for example, using sound at a traffic light to cross the street);
  - to use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;
  - to understand and use remaining vision and distance low vision aids, as appropriate; and
  - other concepts, techniques, and tools.
- "Parent counseling and training" means assisting parents in understanding the special needs of their child, providing parents with information about child development, and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP.
- "Physical therapy" means services provided by a qualified physical therapist.
- "Psychological services" includes:
  - administering psychological and educational tests, and other assessment procedures;
  - interpreting assessment results;
  - obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
  - consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observations, and behavioral evaluations;
  - planning and managing a program of psychological services, including psychological counseling for children and parents; and
  - assisting in developing positive behavioral intervention strategies.

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- "Recreation" includes:
  - assessment of leisure function;
  - therapeutic recreation services;
  - recreation programs in schools and community agencies; and
  - leisure education.
- "Rehabilitation counseling services" means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.
- "School health services" means health services provided by a qualified school nurse or other qualified person that are designed to enable a child with a disability to receive FAPE as described in the child's IEP.
- "School nurse services" mean health services provided by a qualified school nurse, designed to enable a child with a disability to receive FAPE as described in the child's IEP.
- "Social work services in schools" includes:
  - preparing a social or developmental history on a child with a disability;
  - group and individual counseling with the child and family;
  - working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
  - mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
  - assisting in developing positive behavioral intervention strategies.
- "Speech-language pathology services" include:
  - identification of children with speech or language impairments;

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- diagnosis and appraisal of specific speech or language impairments;
  - referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
  - provision of speech and language services for the habilitation or prevention of communicative impairments; and
  - counseling and guidance of parents, children, and teachers regarding speech and language impairments.
- "Transportation" includes:
    - travel to and from school and between schools;
    - travel in and around school buildings; and
    - specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

34 CFR § 300.34.

- "Residential care center for children and youth" means a facility operated by a child welfare agency licensed under Wis. Stat. § 48.60 for the care and maintenance of children residing in that facility. Wis. Stat. § 115.76(14g).
  - "Responsible Local Educational Agency:" as used in the section on children in residential care centers means the local educational agency that was responsible for providing a free, appropriate public education to the child before the placement of the child in a residential care center for children and youth.
  - Except "responsible local educational agency" means the school district in which the residential care center for children and youth is located if before the placement of the child in a residential care center for children and youth, the children resided in an: institute or facility operated by the department of health and family services; a Type 1 juvenile correctional facility; or a Type 1 prison.

Wis. Stat. § 115.81.

- "School day" means any day, including a partial day, that children are in attendance at school for instructional purposes. The term "school day" has the same meaning for all children in school, including children with and without disabilities. 34 CFR § 300.11.

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- "Scientifically-based research" has the meaning given the term in section 9101(37) of the ESEA. See Appendix; 34 CFR § 300.35.
- "Secondary school" means a nonprofit institutional day or residential school including a public secondary charter school that provides secondary education for grades 9-12. 34 CFR § 300.36.
- "Serious bodily injury" has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code. See Appendix; 34 CFR § 300.530(i)(3).
- "Services plan" means a written statement that describes the special education and related services the school district will provide to a parentally-placed child with a disability enrolled in a private school located in the district, including the location of the services and any transportation necessary, consistent with 34 CFR §§ 300.132, 300.137-139. 34 CFR § 300.37.
- "Special education" means specially designed instruction, regardless of where the instruction is conducted, that is provided at no cost to the child or the child's parents, to meet the unique needs of a child with a disability, including:
  - instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings;
  - instruction in physical education;
  - speech-language pathology services, or any other related service, if the service consists of specially designed instruction and is considered special education rather than a related service under Wisconsin standards;
  - travel training; and
  - vocational education.

The terms in the definition of special education are defined as follows:

- "At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.
- "Physical education" means the development of:
  - physical and motor fitness;
  - fundamental motor skills and patterns; and

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- skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adaptive physical education, movement education, and motor development.

- "Specially-designed instruction" means adapting content, methodology or delivery of instruction:
  - to address the unique needs of an eligible child that result from the child's disability; and
  - to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the local educational agency that apply to all children.
- "Travel training" means providing instruction, as appropriate, to children with significant intellectual disabilities and any other children with disabilities who require this instruction to enable them to develop an awareness of the environment in which they live and learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).
- "Vocational education" means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advanced degree. 34 CFR § 300.39; Wis. Stat. § 115.76(15).
- "Supplementary aids and services" mean aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings to enable a child with a disability to be educated with nondisabled children to the maximum extent appropriate. 34 CFR § 300.42, 115.76(16).
- A "transfer pupil with a disability" means a child with a disability under the Individuals with Disabilities Education Act whose residence has changed from a local educational agency in this state to another local educational agency in this state or from a public agency in another state to a local educational agency in this state. Wis. Admin. Code § PI 11.07.
- "Transition services" means a coordinated set of activities for a child with a disability that:

- is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including:
  - postsecondary education;
  - vocational education;
  - integrated employment (including supported employment);
  - continuing and adult education;
  - adult services;
  - independent living; or
  - community participation
- is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes:
  - instruction;
  - related services;
  - community experiences;
  - the development of employment and other post-school adult living objectives; and
  - if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

34 CFR § 300.43.

- "Universal Design" has the meaning given the term in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. § 3002. See Appendix; 34 CFR § 300.44.
- "Weapon" has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code. See Appendix; 34 CFR § 300.530(i)(4).

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## **Full Educational Opportunity Goal**

It is the goal of the local educational agency to provide full educational opportunity to all children with disabilities in the area served by the local educational agency. The local educational agency has available to all of its children with disabilities the variety of educational programs and services available to nondisabled children in the local educational agency, including: art, music, industrial arts, consumer and homemaking education, and vocational education or any program or activity in which nondisabled children participate. The local educational agency provides supplementary aids and services determined appropriate and necessary by the child's IEP Team, to ensure that children with disabilities have an equal opportunity to participate in nonacademic and extracurricular services and activities. 34 CFR §§ 300.107; 300.109; 300.110; 300.201.

## **Free Appropriate Public Education**

### **General**

All children with disabilities for whom the local educational agency is responsible are provided a free appropriate public education. Special education and related services are provided to these children with disabilities, including, as required by 34 CFR § 300.530(d), children with disabilities who have been suspended or expelled from school. Children with disabilities entitled to a free appropriate public education are children age three, but not yet 21 who have not graduated from high school with a regular high school diploma and, for the duration of a school term, persons who become 21 years old during that school term and who have not graduated from high school with a regular diploma. A regular high school diploma does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or a general educational development credential (GED). The special education and related services provided to children addresses all of their special education and related services needs and are provided by personnel qualified as required by 34 CFR §§ 300.156, 300.101(a), 300.102(a)(3)(iv), 300.156; Wis. Stat. § 115.76(3).

The local educational agency provides prior written notice of a change in placement consistent with the requirements in the law when a child with a disability graduates from high school with a regular diploma. Additionally for those students who graduate from high school with a regular diploma as well as students who exceed the age of eligibility, the local educational agency provides a summary of their academic achievement and functional performance, including recommendations on how to assist the child in meeting the child's postsecondary goals. 34 CFR §§ 300.102(a)(3)(iii), 300.305(e)(3).

The local educational agency ensures that an IEP is in effect for each eligible child no later than the child's third birthday. If the child's third birthday occurs during the summer, the child's IEP team determines when the IEP services will begin. 34 CFR § 300.101(b).

If a placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, is provided at no cost to the parents of the child. 34 CFR § 300.104.

The local educational agency admits a nonresident child if the program is appropriate for the child's disability. When a resident child is refused admittance to another local educational agency, the resident local educational agency ensures that a free appropriate public education is provided to the child. When board and lodging are not furnished to a nonresident child with a disability, the resident local educational agency provides transportation, except as provided in Wis. Stat. § 115.82(2)(a) and (b). Wis. Stat. § 115.82.

After a child with a disability has been removed from his or her current placement for ten school days in the same school year, for any subsequent removal, the local educational agency provides services, although in another setting, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the child's IEP. In such a case, school personnel, in consultation with at least one of the child's teachers, determine the extent of the services. When there is a change of placement, the IEP team determines the appropriate services. 34 CFR § 300.530(d).

### **Hearing Aids and External Components of Surgically Implanted Medical Devices**

The local educational agency ensures that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly. The local educational agency ensures that the external components of surgically implanted medical devices are functioning properly, but is not responsible for the post-surgical maintenance, programming, or replacement of the medical devices that has been surgically implanted, or of an external component of the surgically implanted medical device. 34 CFR § 300.113.

### **Physical Education**

Physical education services, specially designed if necessary, are made available to every child with a disability unless the LEA does not provide physical education to children without disabilities in the same grades. Each child with a disability is afforded the opportunity to participate in regular physical education programs available to nondisabled children unless the child is enrolled full time in a separate facility, or the child needs specially designed physical education as prescribed in the child's IEP.

If specially designed physical education is prescribed in a child's IEP, the local educational agency provides the services directly or makes arrangements for those

services to be provided through other public or private programs. The local educational agency ensures that a child with a disability who is enrolled in a separate facility receives appropriate physical education services in compliance with the law. 34 CFR § 300.108.

### **Assistive Technology**

The local educational agency makes available assistive technology devices or assistive technology services, or both, to a child with a disability if required as part of the child's special education, related services, or supplementary aids and services. If a child's IEP team determines that access to school-purchased assistive technology devices or services in the child's home or in other settings is necessary for the child to receive a free appropriate public education, the devices or services are provided. 34 CFR § 300.105.

### **Extended School Year**

The local educational agency ensures that extended school year services are available to each child with a disability as necessary to provide a free appropriate public education. Extended school year services are provided when a child's IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education to the child. The local educational agency does not limit extended school year services to particular categories of disability, or unilaterally limit the type, amount, or duration of those services. 34 CFR § 300.106.

### **Participation in Assessments**

Children with disabilities attending this local educational agency are included in all state-wide and district-wide assessment programs with appropriate accommodations. Those children who cannot participate in state-wide or district-wide assessments participate in alternate assessments. Needed accommodations or alternate assessments are identified by the IEP team and are specified in the child's IEP. 20 U.S.C. § 1412(a)(16); Wis. Stat. § 115.77(1m)(bg).

### **Methods of Ensuring a Free Appropriation Education**

If a public agency, other than an educational agency, fails to meet its obligation under federal or state law or under state policy or interagency agreement to provide or pay for any services that are also considered special education and related services that are necessary for ensuring a free appropriate public education to a child, the local educational agency provides or pays for these services to the child in a timely manner. 34 CFR § 300.154(b)(2).

When the local educational agency uses Medicaid or other public insurance benefits programs in which a child participates to provide or pay for special education and related services necessary for the child to receive a free appropriate public education as



permitted under the public insurance program, the local educational agency obtains parent consent each time access to public benefits or insurance is sought.

Furthermore, the local educational agency does not:

- require parents to sign up for or enroll in public insurance programs in order for their child to receive a free appropriate public education under Part B of the Act;
- require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for special education and related services; or
- use a child's benefits under a public insurance program if that use would:
  - decrease available lifetime coverage or any other insured benefit,
  - result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school,
  - increase premiums or lead to the discontinuation of benefits or insurance or
  - risk loss of eligibility for home and community-based waivers based on aggregate health-related expenditures.

Each time the local educational agency proposes to access the proceeds of a parents' private insurance to provide services necessary for the child to receive a free appropriate public education, the local educational agency:

- obtains informed parent consent; and
- informs the parents that their refusal to permit the local educational agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

34 CFR § 300.154.

The local educational agency timely provides instructional materials in accessible formats to children who are blind, children with print disabilities, or other children with disabilities as required in the child's IEP. 34 CFR § 300.210.

Except for the circumstances provided for in Wis. Stat. §§ 118.51(12)(a) and (b)2 of the Full-Time Open Enrollment law, if a non-resident child with a disability is attending the local educational agency under the Full-Time Open Enrollment law, the local educational agency provides an educational placement for the child. If tuition charges are required by

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the placement, the local educational agency pays tuition charges instead of the resident school district. Wis. Stat. § 115.79(1)(b).

## **Public Information**

The local educational agency regularly publicizes information about its special education procedures and services. Further, the local educational agency makes available to any person, upon request, all documents relating to the local educational agency's eligibility for state and federal special education funds. 34 CFR § 300.212; Wis. Stat. §§ 115.77(1m)(g) and (h).

If the local educational agency receives a notice from the Department of Public Instruction that it is in noncompliance with respect to state or federal special education law and the Department of Public Instruction is proposing to reduce or withhold any further payments to the local educational agency until the Department of Public Instruction is satisfied that the local educational agency is complying with that requirement, the local educational agency gives public notice of the pending state actions. 34 CFR § 300.222(b).

## **Child Find**

### **General**

The local educational agency identifies, locates, and evaluates all children with disabilities, regardless of the severity of their disability, who are in need of special education and related services, including children attending private schools, children who are made a ward of the state, county, or child welfare agency under chapter 54 or 880, children who are not yet three years of age, highly mobile children such as migrant and homeless children, and children who are suspected of being a child with a disability even though they are advancing from grade to grade. 34 CFR § 300.111; Wis. Stat. § 115.77(1m)(a).

### **Referral**

The local educational agency accepts and processes referrals of children suspected to have a disability. The local educational agency has written procedures for accepting and processing referrals. Licensed school personnel who reasonably believe a child has a disability are required to make a referral.

Prior to submitting a referral, the people required to make referrals inform the parents of their intent to make a referral. If this local educational agency receives a referral for a child who is attending this local educational agency under the Full-Time Open Enrollment law or a tuition waiver under Wis. Stat. §§ 121.84(1)(a) or (4), the local educational agency provides the name of the child and related information to the local educational

agency of residence. Whenever this local educational agency receives a referral for a resident child attending school in another local educational agency under the Full-Time Open Enrollment law or a tuition waiver under Wis. Stat. §§ 121.84(1)(a) or (4), this local educational agency provides the name of the child and related information to the local educational agency of attendance.

The local educational agency accepts written referrals. Each referral includes the name of the child and reasons why the person making the referral believes that the child is a child with a disability. The local educational agency documents and dates the receipt of each referral.

At least annually, the local educational agency informs parents and persons required by law to make referrals about the local educational agency's referral and evaluation procedures.

The local educational agency provides information and in-service opportunities for its licensed staff to familiarize them with the local educational agency's referral procedures. Wis. Stat. § 115.777.

## **IEP Team**

The local educational agency establishes an IEP team for each child referred to the local educational agency.

## **Participants**

The IEP team for each child consists of all of the following:

- the parents of the child;
- at least one regular education teacher of the child if the child is, or may be, participating in a regular education environment;
- at least one special education teacher who has recent training or experience related to the child's known or suspected area of special education needs or, where appropriate, at least one special education provider of the child;
- a representative of the local educational agency:
  - who is qualified to provide or supervise the provision of special education,
  - who is knowledgeable about the general education curriculum, and



- who is knowledgeable about and authorized to commit the available resources of the local educational agency (who may be another member of the IEP team if the criteria are met);
- an individual who can interpret the instructional implications of evaluation results, who may otherwise be a team member;
- an appropriate therapist if the child is suspected to need occupational therapy or physical therapy or both. Wis. Admin. Code § PI 11.24.
- a department-licensed speech or language pathologist when documenting a speech or language impairment and the need for speech or language services. Wis. Admin. Code § PI 11.36(5)(e).
- at the discretion of the parent or local educational agency, other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate. The determination of the individual's knowledge or special expertise is made by the party (parents or public local educational agency) who invited the individual to be a member of the IEP team;
- whenever appropriate, the child;
- at least one person designated by the school board of the child's school district of residence who has knowledge or special expertise about the child when the student is attending a public school in a nonresident school district under Full-Time Open Enrollment Law, or a tuition waiver under Wis. Stat. §§ 121.84(1)(a) or (4).

In addition to the above members, the local educational agency invites the following:

- To the extent appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, if the parents or the child who has reached the age of majority provides consent; and
- The student, when the purpose of the meeting will be consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the student does not attend the IEP Team meeting, the local educational agency takes other steps to ensure consideration of the student's preferences and interests.
- If requested by the parent, at the initial IEP Team meeting for a child previously served under Part C, the Part C service coordinator or other representatives of the Part C System will be invited.

34 CFR § 300.321; Wis. Stat. § 115.78; Wis. Admin. Code § 11.24(2).

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## **IEP Team Attendance**

An IEP Team member is not required to attend an IEP Team meeting, in whole, or in part, if the parent of a child with a disability and the local educational agency agree, in writing, the attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed.

An IEP Team member may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services, if the parent, in writing, and the local educational agency consent to the excusal, and the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior the meeting. 34 CFR § 300.321(e); Wis. Stat. § 115.78(5).

## **Parent Participation in IEP Team Meetings**

The local educational agency takes steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including:

- notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- scheduling the meeting at a mutually agreed on time and place.

The notice required in this policy:

- indicates the purpose, time, and location of the meeting and who will be in attendance; informs the parents of the provisions in these policies relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child; and
- informs the parents that they can request the Part C coordinator or other representatives of the Part C system be at the initial IEP Team meeting for a child previously served under Part C of IDEA.

Beginning no later than in the first IEP that will be in effect when the child is 14, the notice also:

- indicates that a purpose of the meeting is the consideration of the postsecondary goals and transition services for the child;
- indicates that the local educational agency will invite the student; and
- identifies any other agency that will be invited to send a representative.

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If neither parent can attend, the local educational agency uses other methods to ensure parent participation, including individual or conference calls.

The local educational agency may conduct meetings without a parent in attendance if the local educational agency is unable to convince the parents that they should attend. In this case the local educational agency has a record of its attempts to arrange a mutually agreed on time and place, such as:

- detailed records of telephone calls made or attempted and the results of those calls;
- copies of correspondence sent to the parents and any responses received; and
- detailed records of visits made to the parent's home or place of employment and the results of those visits.

The local educational agency takes whatever action is necessary to ensure that the parent understands the proceedings at the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Subject to the timeline requirements contained in this policy, if the parents of the child or the local educational agency staff determine at any meeting during the process of the evaluation, development of the IEP or placement of the child that additional time is needed to permit meaningful parental participation, the local educational agency provides it. Upon request, the local educational agency provides a copy of the most recent evaluation report to the child's parents at any meeting of the IEP team.

The local educational agency gives the parent a copy of the child's IEP at no cost to the parent. 34 CFR § 300.322; Wis. Stat. §§ 115.787(2)(g) and 115.78(3)(d).

### **IEP Team Duties**

The IEP team does all of the following:

- evaluates the child to determine the child's eligibility or continued eligibility for special education and related services, and the educational needs of the child;
- develops an IEP for the child; and
- determines the special education placement for the child.

34 CFR § 300.324(a); Wis. Stat. § 115.78.

## **Timeline**

Within 15 business days of receiving a referral, the local educational agency sends to the child's parents a request for consent to evaluate the child except that if the local educational agency determines that no additional data are necessary, the local educational agency notifies the child's parent of that determination within 15 business days of receiving the referral. The local educational agency determines if a child is a child with a disability within 60 days after receiving parental consent for the evaluation or provides notice that no additional data are needed. The 60-day period does not apply:

- if the child transfers into this local educational agency before the previous local educational agency has made an eligibility determination, sufficient progress is being made to ensure a prompt completion of the evaluation, and the child's parents agree to a specific time when the evaluation will be completed;
- if the child's parent repeatedly fails or refuses to produce the child for the evaluation; or
- if a child is being evaluated for a specific learning disability and the timeline is extended by mutual written agreement of the child's parents and IEP team.

The local educational agency conducts a meeting to develop an IEP and determine placement within 30 days of a determination that a child is a child with a disability.

If the parents of the child or local educational agency staff determine at any meeting during the process of evaluation, development of the IEP, or determination of placement, that additional time is needed to permit meaningful parent participation, the local educational agency provides it. 34 CFR §§ 300.301, 300.323, 300.309(c); Wis. Stat. §§ 115.777(3)(e), 115.78.

## **Evaluation**

### **General**

As part of an initial evaluation of a child and as part of any reevaluation of a child, the IEP team and other qualified professionals, as determined by the local educational agency:

- reviews existing evaluation data on the child, including evaluations and information provided by the child's parents, previous interventions, and the effects of those interventions, current classroom-based, local, or state assessments, classroom-based observations, and observations by teachers and related services providers; and

- on the basis of that review and information provided by the child's parents, identifies the additional data, if any, that are needed, to determine:
  - whether the child meets the criteria for a particular category of disability and the educational needs of the child or, in case of a reevaluation of a child, whether the child continues to meet the criteria for such a disability and the educational needs of the child;
  - the present levels of academic achievement and related developmental needs of the child;
  - whether the child needs specially designed instruction, or in the case of a reevaluation of a child, whether the child continues to need specially designed instruction; and
  - whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable, annual goals specified in the child's IEP and to participate, as appropriate, in the general education curriculum.
- The local educational agency administers such assessment and other evaluations as may be needed to produce the additional data.
- The review of existing evaluation data on the child may occur without conducting a meeting.

34 CFR § 300.305; Wis. Stat. § 115.782(2)(b).

The local educational agency does not require parental consent before reviewing existing data as part of an evaluation or reevaluation or administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, the local educational agency requires consent for all children. 34 CFR § 300.300(d)(1).

Screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services. 34 CFR § 300.302.

The local educational agency provides the parents of the child with proper written notice, of any evaluation procedures the agency proposes to conduct, and the names of the individuals who will conduct the evaluation, if known. 34 CFR § 300.304(a); Wis. Stat. § 115.782(1)(a).

## **Initial Evaluations**

The local educational agency obtains informed consent from the child's parent before administering assessments or other evaluation materials to the child. Parental consent for

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the evaluation does not constitute consent for placement for receipt of special education and related services. 34 CFR § 300.300(a); Wis. Stat. § 115.782(1)(b).

If the child is a ward of the state and is not residing with the child's parent, the local educational agency is not required to obtain informed consent from the parent for an initial evaluation if: the local educational agency cannot, after reasonable efforts, locate the parent of the child; the rights of the parents of the child have been terminated in accordance with state law; or, the rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child. 34 CFR § 300.300(a)(2).

If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for an initial evaluation or fails to respond to a request to provide consent, the local educational agency may, but is not required to, pursue the initial evaluation by utilizing mediation or due process. 34 CFR § 300.300(a)(3).

If a parent of a child who is home schooled or parentally placed in a private school does not provide consent, or the parent fails to respond to a request to provide consent, the local educational agency cannot use mediation or due process and is not required to consider the child as eligible for services. 34 CFR § 300.300(d)(4).

The local educational agency does not use a parent's refusal to consent to activities relating to conducting an initial evaluation to deny the parent or child any other service, benefit, or activity of the local educational agency. 34 CFR § 300.300(d)(3).

### **IEP Team Determination of Eligibility or Continuing Eligibility (Initial and Reevaluation)**

Following a review of existing data and administration of assessments and other evaluation materials (if any), the IEP team determines whether the child is or continues to be a child with a disability. For a child who does not otherwise meet the eligibility criteria under state law, the IEP team does not determine that the child is a child with a disability solely because the child has received inappropriate instruction in reading or math or because the child has limited proficiency in English. In interpreting evaluation data for the purpose of determining if a child is a child with a disability, and the educational needs of the child, the local educational agency draws upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The local educational agency ensures that information obtained from all of these sources is documented and carefully considered. 34 CFR § 300.306.

### **Reevaluation**

In conducting reevaluations, the IEP team:

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- evaluates a child with a disability in accordance with the law before determining that the child is no longer a child with a disability, and
- reevaluates a child with a disability in accordance with the law if the local educational agency determines that the educational or related services needs of the child, including the child's academic and functional performance, warrant a reevaluation or if the child's parent or teacher requests a reevaluation. The IEP team shall reevaluate a child no more than once a year unless the child's parents and the local educational agency agree otherwise, and at least once every 3 years unless the child's parent and local educational agency agree that a reevaluation is unnecessary.

34 CFR §§ 300.303, 300.305(e)(1); Wis. Stat. § 115.782(4).

An evaluation is not required before the termination of a child's eligibility for special education and related services because he or she graduated from secondary school with a regular diploma or because he or she reached the age of 21. Under these circumstances, the local educational agency provides the child with a summary of the child's academic achievement and functional performance, including recommendations on how to assist the child in meeting his or her postsecondary goals. 34 CFR §§ 300.305(e)(2) and (3); Wis. Stat. § 115.782(4).

In conducting a reevaluation, the local educational agency obtains informed consent from the child's parent before administering new assessments and other evaluation materials. The local educational agency proceeds without consent only if the local educational agency has taken reasonable measures to obtain the consent and the child's parents have failed to respond. Reasonable measures are the measures required for conducting an IEP meeting without a parent in attendance. If the parent of a child enrolled in public school or seeking to be enrolled in public school refuses to provide consent, the local educational agency is not required to pursue the reevaluation, but may pursue the reevaluation by utilizing mediation or due process.

If a parent of a child who is home schooled or parentally placed in a private school refuses or fails to respond to a request for consent for a reevaluation, the local educational agency cannot use mediation or due process and is not required to consider the child as eligible for services. 34 CFR §§ 300.300(c) and (d); Wis. Stat. § 115.782(4)(b).

If the IEP team and other qualified professionals, as appropriate, finds no additional information is needed to determine whether a child continues to be a child with a disability, and to determine the child's educational needs, the local educational agency notifies the child's parents of that finding and the reasons for it, and that the parent has a right to request an assessment to determine whether the child continues to have a disability, and to determine the child's educational needs. The local educational agency conducts such an assessment if the parent requests it. 34 CFR § 300.305(d); Wis. Stat. § 115.782(4)(c).

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## **Evaluation Report**

When the IEP team determines a child's eligibility, the team prepares an evaluation report that includes documentation of the determination of eligibility. The local educational agency gives a copy of the evaluation report and the documentation of determination of eligibility at no cost to the child's parents. 34 CFR § 300.306(a); Wis. Stat. § 115.782(3)(b).

## **Evaluation Safeguards**

When a local educational agency evaluates a child with a disability, the IEP team:

- does not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child;
- uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the child's parent, that may assist in determining whether the child is a child with a disability and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum or, for preschool children, to participate in appropriate activities;
- uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and
- ensures all of the following:
  - assessments and other evaluation materials used to assess a child are selected and administered so as not to be racially or culturally discriminatory and are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do, academically, developmentally, and functionally, unless it is clearly not feasible to do so;
  - any assessments given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of such assessments or evaluation materials;
  - the child is assessed in all areas of suspected disability; including, if appropriate, health, vision, hearing, social and emotional status, general

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