



Norfolk Public Schools

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Standard Procedures for Implementation of Special Education Regulations



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Learning Support - Special Education Services

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It is the policy of the School Board to adhere to federal and state regulations as they have been promulgated by the United States Department of Education and the Virginia Board of Education to implement special education programs for children with disabilities, consistent with the *Individuals with Disabilities Education Act (IDEA)*. Specifically, these mandates are detailed in the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia (Virginia Regulations)* and any additional documents that the Virginia Department of Education publishes to address federal and state statutes and regulations for delivering special education and related services to children. Additionally, pursuant to the dictates of the Virginia Regulations, Norfolk Public Schools has developed mandatory local procedures that are set forth in the document entitled, *“Standard Procedures for Implementation of Special Education Regulations in Norfolk Public Schools”*.

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CHILD FIND (8VAC20-81-50)

Norfolk Public Schools (NPS) has the responsibility to actively and continuously identify, locate and evaluate those children from birth to 21 years of age, inclusive, residing in the City of Norfolk who are in need of special education and related services. NPS conducts activities to meet this requirement including public awareness campaigns, screenings, and referrals. The child find responsibilities extend to all children, including those who are highly mobile, homeless, wards of the state, or who are incarcerated.

Referral

NPS has an ongoing relationship with [Infant Toddler Connection \(ITC\) of Norfolk](#) in order to assist in identifying children from birth through two years of age. Parents or providers who have concerns regarding a child in this age range should contact ITC for information regarding a referral. An interagency collaboration ensures transition of eligible children from ITC to NPS upon turning three years of age by September 30 of the school year.

If a parent/guardian has concerns regarding their child two through four years of age, they should contact the Norfolk Public Schools' Preschool Assessment Team (NPAT) at (757)852-4630 Ext. 3510 or by e-mail at preschoolassessmentteam@nps.k12.va.us . Upon contact, information will be provided regarding interventions, workshops, screening, and evaluations.

NPS' responsibility is not limited to identifying, locating, and evaluating children who reside in the City of Norfolk, but children who are also parentally placed in local private schools or a child resident who receives homeschool instruction¹. Parents or teachers of these children who believe there is reason to suspect a child has a disability and is in need of special education and related services, should contact the Department of Learning Support-Special Education Services (LS-SES). The child will be required to meet registration requirements in order to receive a student identification number needed for data management purposes. Registration as a non-enrolled student does not mean that the student is enrolled to attend Norfolk Public Schools. A completed referral form is forwarded to a designated school team who will follow the procedures of the Student Assistance Team (SAT) or Special Education Committee (SEC) to determine if there is sufficient information to suspect a disability and if an evaluation for special education is warranted.

¹ [Procedures for Referral of Non-Enrolled School-Aged Students](#)

Additionally, NPS conducts an annual meeting with representatives from private schools and parents who have placed their children in private school or who receive home school instruction. The annual meeting includes discussion about the special education program and the process for referring children for an evaluation.

Parent(s)/Guardian(s) of a student currently enrolled in a NPS school can contact the child's school of attendance to begin the referral process. Non-enrolled school-age student referrals should be forwarded to the Department of Learning Support-Special Education Services at (757) 628-3950 or by email at sped504compliance@nps.k12.va.us. Non-enrolled preschool child (ages 2 to 4 years old): Contact the Department of Learning Support-Special Education Services Preschool Assessment Team (PAT) at (757) 852-4630 Ext. 3510 or by e-mail at preschoolassessmentteam@nps.k12.va.us .

60 Day Screening

The screening process for all children enrolled in Norfolk Public Schools, including transfers from out of state, must be completed within 60 business days of initial enrollment . Appropriate school personnel complete screenings as required for all students in the area of vision and hearing. More specifically, students from pre-kindergarten (PreK) through grade 3, must be screened in the areas of speech and language, fine motor, and gross-motor skills.

Students who fail any of the above screenings may be rescreened after 60 business days. Parental permission is not required for these screenings. If the student fails the screening, the results of the screening must be provided to the parents. The school staff must maintain a record of students who have participated in the screening and ensure the results are filed in the student's cumulative record. If results suggest a referral for an evaluation for special education is needed, the referral to the SEC must occur within five business days after the screening.

School-based administrators and teachers monitor the progress of school-age students and provide specific interventions, as needed, to ensure appropriate instructional practices and to afford children and youth success in learning. Should an administrator, teacher, or parent believe that consultation for additional evidence-based research strategies are needed for the student, a request to the school's Student Assistance Team (SAT) can be submitted. If there is reason to suspect a child has a disability and is in need of special education and related services they should make a referral to the school's Special Education Committee (SEC). This practice is also applicable for students who are progressing from grade to grade.

Student Assistance Team (SAT) and Special Education Committee (SEC)²

Each school has a Student Assistance Team (SAT) and a Special Education Committee (SEC); the two are not mutually exclusive. The process of supporting a student is fluid and should include evidence-based research interventions. More specifically, the SAT is a problem-solving group that supports teachers and parents with students' academic and/or behavioral concerns. At least one member of the team must be familiar with the student and the team composition should include knowledgeable members.

A request to SAT is **ONLY** for students who are **NOT** currently receiving special education and related services. Students may be referred through a screening process, or by staff, parent/guardian, the adult student, the Virginia Department of Education, any other state agency, other individuals, or another school-based team. The SAT is a school-based team of educators who meet to review information about the student. Team members may include the referring source, student's teacher, the principal or his/her designee, a school social worker, a school psychologist, or a specialist. The request process requires:

- Completion of the NPS *Request for Assistance* form in its entirety, including a description of the student's academic performance, behavior, and attendance;
- Submission of the completed form to the Principal or designee within 24 hours; and
- A meeting to be held within 10 business days of the receipt of the *Request for Assistance* form.

After discussing the student's educational needs, the SAT may recommend ways in which school staff can assist the student in his/her educational program. If the team suspects a disability, they may refer the student to SEC for an evaluation. The parent may request an initial evaluation for special education services at any time and bypass the Student Assistance Team (SAT). A meeting must be held within 10 business days of the receipt of the form. A PWN Notice of Referral must be written and provided to the parent(s)/guardian or adult student.

SAT members may:

- Make recommendations to the teacher;
- Implement structured academic or behavioral interventions for a set period of time;
- Hold follow-up meetings to monitor student's progress;

² Student Assistance Team and Special Education Committee Resource - [Student Assistance Team and Special Education Committee.pdf](#)

- Perform Functional Behavior Assessments (FBA) and Behavior Support Plans for students without disabilities;
- Make recommendations and/or provide resources to parents;
- Include a flexible team composition, based on student needs;
- Integrate and monitor the intervention functions of Response to Intervention (RTI), Positive Behavior Interventions and Supports (PBIS), and Wraparound Service Teams.

The following process will be implemented by the school-based SAT:

- An identified school-based designee will process the *Request for Assistance* document to SAT and invite appropriate staff.
- A *Request for Assistance* to SAT is not a denial of special education consideration, as an SAT may attempt several interventions and then ultimately make a referral to the SEC. However, if a request is made for evaluations by the parent, the team must move forward to the Special Education Committee (SEC).

All referrals for initial special education evaluations will be processed using the referral procedures detailed in Child Find. Referrals to the Special Education Committee (SEC) will result in the start of the process and the initial SEC meeting must be held within 10 business days. ***NOTE: The 65 business day timeline (including the 10 days) begins when the principal or designee receives this referral.***

The Special Education Committee composition must include:

- Parent(s)/guardian or the adult student;
- The referring source (except if inclusion of a referring source would breach the confidentiality of the child);request
- The principal or designee;
- At least one content teacher of the student; and
- Evaluator (School Psychologist, School Social Worker, or Speech Therapist).

One member of the team must be knowledgeable about alternative interventions and about procedures required to access programs and services that are available to assist the student's educational needs.

The team must complete a review of existing data. The team, including the parent/guardian, reviews:

1. information provided by the parent(s)/guardian of the child,
2. the student's education record, and

3. observations by teachers and related services providers.

Based on the review of this existing data and input from the child's parent(s), the team determines if any additional data is needed to determine whether the child is, or continues to be a child with a disability and the educational needs of the student.

[PROCEDURAL SAFEGUARDS \(8VAC20-81-170\)](#)

Procedural safeguards notice that describes parental rights must be provided to parents at least once per year and other specific times. These specific times include the initial referral for special education, proposed change of the student's identification, upon parent request, filing of state complaint, request for due process, and a disciplinary removal that constitutes a change in placement because of a violation of the code of student conduct.

A copy of [Your Family's Special Education Rights](#), Virginia's procedural safeguards document, should be readily available within the school division.

[Independent Educational Evaluation \(IEE\)](#)

An IEE is an evaluation conducted by a qualified examiner(s) who is not employed by Norfolk Public School. The parent(s)/guardian of a child with a disability or adult student has the right to obtain an IEE of a student.

- A parent has the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the LEA, subject to certain conditions. If a parent requests an IEE at public expense, the LEA must, without unnecessary delay, either:
 - Initiate due process procedures to show that its evaluation is appropriate; or
 - Ensure that an IEE is provided at public expense, unless the LEA demonstrates in a hearing that the evaluation obtained by the parent did not meet LEA criteria.
- The parent's written request must be submitted/forwarded to the Learning Support Senior Coordinator assigned to the school/program within 24 hours.
- A letter from the Department of Learning Support will be provided to the parent indicating where the IEE can be obtained along with the applicable criteria.
- Once the IEE is received and accepted by the LEA, the Special Education Committee must reconvene to consider results of the evaluation(s), assessment(s), and/or testing.

Prior Written Notice (PWN)³

A prior written notice must be given to the parent(s)/guardian of a student with a disability or adult student when NPS proposes the following:

- Proposes to initiate or change the identification, evaluation, or educational placement (including graduation with a standard or advanced studies diploma) of the student, or the provision of a free appropriate public education (FAPE) for the student.
- Refuses to initiate or change the identification, evaluation, or educational placement of the student, or the provision of a free appropriate public education (FAPE) for the child.

The notice must include the following:

- A description of the action proposed or refused by NPS;
- An explanation of why NPS proposes or refuses to take action;
- A description of any other options the IEP team considered and the reasons for the rejection of those options;
- A description of each evaluation procedure, assessment, record, or report NPS used as a basis for the proposed or refused action;
- A description of any other factors that are relevant to NPS' proposal or refusal;
- A statement that the parent(s)/guardian of a student with a disability or adult student have protection under the procedural safeguards of this chapter and, if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;

Sources for the parent(s)/guardian or adult student to contact in order to obtain assistance in understanding the provisions of this section. A copy of the completed PWN **must** be placed in the student's cumulative file along with a copy of the accompanying IEP.

Audio and Video Recording

The parent(s)/guardian or adult student must inform NPS in writing at least 24 hours before the meeting that they will be utilizing an audio recording device. If this request is made, NPS must also audio record the meeting. If the parent does not provide the notification of request to record within 24 hours of the meeting, the team must allow time for NPS to locate an audio recording device prior to the start of the meeting or the meeting can be tabled for another day allowing all parties to have the necessary

³ Prior Written Notice – [Appendix G](#)

equipment present. This recording becomes part of the student's educational record.
NPS does not permit video recording of meetings.

[Attendance of Legal Counsel at IEP Meetings](#)

The parent(s)/guardian or adult student has the right to invite individuals to the IEP team meeting with expertise regarding the student. NPS recognizes this right and respects the option of inviting legal counsel to attend. When this occurs, NPS is required to have its own legal representation/designee to participate in the meeting as well. Therefore, advanced notification of intentions to have legal counsel to attend an IEP team meeting will assist both NPS and the parent for preparation and minimize the rescheduling of this event.

PARENTAL PARTICIPATION (8 VAC 20-81-110)

NPS ensures steps will be taken so that the parent(s)/guardian of a student with a disability or the adult student are present at each IEP meeting and/or are afforded the opportunity to participate. This includes the participation of transition age (14 years old and above) students. Efforts must include a mutually agreed upon time and place and sufficient time to allow for at least three distinct attempts by the school team to provide written notice, which must be properly documented.

It is expected that written notice of IEP meetings is provided to the parent prior to the meeting. In the event that written notice has not been provided to the parent in advance, the case manager⁴ will ensure one is provided prior to the start of the IEP meeting.

If a translator is needed at the meeting for families of English Language Learners (English is not their first/primary language) for the family to fully participate, the case manager must make the necessary arrangements for a translator. A link for directions on accessing a translator through Voiance is available at [Voiance Instructions for Interpreting Services](#)

If an Interpreter is needed at the meeting for a team member who is Deaf and Hard of Hearing to fully participate, the case manager should contact sped504compliance@nps.k12.va.us.

DEFINITION OF A PARENT⁵ (§ 22.1-213.1)

As defined by the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, a "Parent" is identified below as:

- A biological or adoptive parent of a child whose rights have not been terminated;
- A foster parent, even if the biological or adoptive parent's rights have not been terminated;
- A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child;

⁴ Case Manager Responsibilities in [Appendix A](#)

⁵ Virginia Law § 22.1-213.1. Definition of "parent"

- “Parent” does not include local or state agencies or their agents, including local departments of social services, even if the child is in the custody of such an agency;
- An individual acting in the place of a biological or adoptive parent (including grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- If the party does not meet the above criteria under the definition of a parent or those parties are unwilling to act as parent, a surrogate parent must be appointed to serve as the parent. Please contact your support team (Senior Coordinator or Teacher Specialist) in the office of Learning Support.

SURROGATE PARENT⁶ (8VAC 20-81-220)

A surrogate parent is appointed under certain circumstances to represent the student in all matters relating to identification, evaluation, educational placement or the provision of a free appropriate public education. Reasonable efforts must be made to ensure the assignment of a surrogate parent not more than 30 days after the determination that a surrogate is needed. The surrogate parent, when representing the child’s educational interest, has the same rights as those according to parents.

The suspected need for a surrogate parent must be reported to the school’s assigned Senior Coordinator of Learning Support – Special Education Services. Once reported, the Department of Learning Support will be responsible for identifying those who are qualified to serve as surrogate parents.

To be qualified as a surrogate parent, an individual must have no personal or professional conflicts with the interest of the child, have knowledge and skills that will ensure adequate representation of the child, be the age of majority, and not be an employee of the Virginia Department of Education, this school division, or any other agency that is involved in the education or care of the child.

When a school cannot identify or with reasonable efforts locate someone who qualifies as a “parent” in accordance with the Virginia Regulations, the school will contact their assigned Senior Coordinator or Teacher Specialist, who will confirm the need for a surrogate and appoint a surrogate within 30 calendar days for the student, if one is needed. Once appointed, written notice will be provided to the student, as appropriate to the disability, of the appointed surrogate parent charged with the responsibility for the student. The surrogate parent will be assigned to serve for the duration of the school year unless a shorter period of time is appropriate given the content of the child’s IEP. At the end of each school year, following a review, a determination will be made regarding whether the appointment of a surrogate parent will be renewed or not. Appointments may also be extended as needed, if the student requires the services of a surrogate during the summer months.

⁶ [Surrogate Parent Fact Sheet](#)

INITIAL EVALUATION (8VAC20-81-60)

The parent must provide consent for an initial evaluation.

Evaluations to be administered will be identified and include relevant functional, developmental, and/or academic information about the child. The process will be comprehensive to enable the school division to determine if the child is eligible for special education services. The principal or NPS Representative (Rep) will ensure completion of the Prior Written Notice (PWN). More specifically, the PWN entitled *Notice of Request for Evaluation/Reevaluation* will be presented to secure informed consent on the *Consent for Individual Evaluation Decision*. This consent initiates the process of evaluations.

After informed written consent, the principal or NPS Representative must ensure assigned professionals receive written notification of evaluations. The deadline for completion of eligibility decisions are due within 65 business days from the receipt of the referral for the special education evaluation.

If the SEC determines an evaluation is not needed, a PWN shall be given to the parent(s)/guardian or adult student, including the parent's right to appeal the decision.

ELIGIBILITY (8 VAC 20-81-80)

Eligibility of special education services is made on an individual basis by the Special Education Committee (SEC) within 65 business days from the date of the referral. The team composition must consist of, but is not limited to:

- Parent(s)/guardian/adult student,
- NPS Representative⁷,
- School personnel from disciplines administering/interpreting the assessments,
- Special education teacher, and
- General education teacher.

A variety of data sources must be used, including but not limited to, aptitude and achievement tests, parent input, teacher observations/classroom data, and information about the student's physical condition, social or cultural background, and adaptive behavior. These sources must be carefully considered and documented.

The student must be observed by at least one of the members of the team in his/her learning environment (including the general education classroom setting) to document the child's academic performance and behavior in the areas of difficulty.

⁷ Qualified NPS Representatives are personnel who have participated in the yearly district-wide training and received confirmation from the trainer.

Deferring Eligibilities

NPS must adhere to the 65-business day timeline when conducting evaluations and making eligibility decisions. If an evaluator is having difficulty locating a student for the assessment, the evaluator must document the efforts to conduct the assessment, including dates and description of the efforts.

The team must make every effort to secure access to the student and hold the eligibility meeting no later than the 65th business day. However, when a parent refuses to make a student available for the evaluation and, as a result, the eligibility meeting is held after the 65th business day, the SEC must document in the PWN the reason for delay and the total number of days beyond the 65-business day timeline.

Given extenuating circumstances, the parent and the SEC can agree, in writing, to extend the 65-business day timeline to obtain data that cannot be obtained prior to the due date.

The team must determine and document in writing an extension date not to exceed 20 business days beyond the original 65-business day timeline using the Ad-Hoc Document, "Mutual Agreement to Extend Evaluation Timeline." This deferment does not include additional assessments that were not identified during the Initial or Re- Evaluation meeting.

If a team fails to meet the 65-business day timeline and a student is found eligible for special education services, compensatory education services must be discussed and documented in the subsequent IEP meeting.

All delayed eligibilities require the SEC to document in the PWN the reason for delay and the total number of days beyond the 65-business day timeline.

RE-EVALUATION/TRIENNIAL (8 VAC 20-81-70)

NPS must re-evaluate a student with a disability at least every three years, completing the process by the third year anniversary of the last eligibility determination. This is often called a "triennial." A re-evaluation may not be conducted more than once a year, unless the parent and the school agree otherwise.

The re-evaluation is similar to the initial evaluation in terms of the process and requires the decision of the SEC. The team must determine what additional information is needed after reviewing the existing data which may include but is not limited to information provided by the parent(s)/guardian(s), current classroom and assessment data, and classroom observations. No single measure or assessment is used as the sole criterion for determining whether a child is a student with a disability or for determining an appropriate educational program for a student. Written notice (meeting request) for the meeting will include the purpose, date, time, and location of the meeting, along with the roles of those attending.

It is NPS policy to provide two (2) written notices before an SEC meeting can proceed without the parent present. If the parents do not attend the second scheduled meeting, the meeting must be held on the date and time scheduled.

Based on the information available, the team, including the parent(s)/guardian will identify what additional data is needed, if any, to address the following issues:

- Whether the child continues to be a student with a disability.
 - The present educational needs of the child to include:
 - the child's present level of academic achievement and related developmental needs,
 - whether the child needs (or continues to need) special education and related services,
- AND
- whether any additions or modifications to the special education program are needed and appropriate to enable the child to meet the measurable annual goals included in the child's IEP to access and participate in the general education curriculum.
 - If it is determined that additional data is needed, school personnel will ensure that assessments and other evaluations are completed within the 65- business day timeline, provided parental consent. A PWN must also be provided.
 - If no additional data is needed, the SEC will provide a PWN of the evaluation decision.

Upon completion and/or review of the evaluative data (RED process), the SEC will follow the eligibility process. Parent(s)/guardian(s) and/or adult student will be notified that evaluation reports are completed and a copy is available for their record and review. Schools must ensure a copy of all completed evaluations are available to the parent(s)/guardian(s)/adult student at least **2 days** prior to the meeting.

An early re-evaluation may be requested if the parent(s)/ guardian(s), adult student or NPS, presume that new information is required to determine if the student continues to have a disability, if there is a change to their educational or related service needs, or a change in the student's present level of performance. Upon the request, the SEC will convene to discuss the request and determine what, if any, evaluation components will be conducted. Evaluations will not be conducted more than once per year unless the parent(s)/ guardian(s), adult student or NPS agree otherwise. A PWN will be provided to the parent of the decision regarding the request.

If the SEC decides that no further data is needed to determine whether the student continues to be a student with a disability, the parent(s)/guardian or adult student must be provided an *Intent Not to Test PWN*. This process will be considered the evaluation and the SEC will then proceed to the eligibility meeting.

If the SEC decides that additional data is needed to determine whether the student continues to be a student with a disability, the parent must be provided an *Intent to Test PWN* and written parental consent must be obtained for evaluation. Upon completion of the assessments, the re-evaluation/triennial process **must be completed by the third year anniversary of the last eligibility determination.**

INDIVIDUALIZED EDUCATION PROGRAM (IEP) (8VAC 20-81-110)

An Individualized Education Program (IEP) is a legal, working document for a student with a disability that is developed, reviewed, and revised in a team meeting. The IEP specifies the individual educational needs of the student and what special education and related services are necessary to meet the student's educational needs. Case managers must implement the [standards-based IEP guide](#), which intends to provide technical assistance for educators, parents, and others who participate in the development of Individualized Education Programs for students with disabilities.

The case manager will provide a draft of the IEP to the parent(s)/guardian(s)/adult student at least two (2) days prior to the meeting.

Preparation for the IEP Meeting

The IEP case manager should begin to schedule the IEP review meeting at least 30 days before the annual review date of the IEP (i.e. Meeting should be scheduled at or around October 1 for an annual IEP review due date of November 1). This will allow the case manager and parent to establish a mutually agreed upon date and time. The IEP case manager must ensure attendance of the required participants:

- Parents/Guardians/Adult student
- General Education Teacher (unless the student does not participate in the general curriculum and the student does not participate with any general education peers in resources or electives)
- Special Education Teacher
- Norfolk Public Schools' (NPS) Representative, who is knowledgeable about the general curriculum, is qualified to provide or supervise special education, has the authority to commit NPS resources, and has participated in NPS Training within the last calendar year.

The case manager should also include related service personnel, as appropriate.

- Speech Therapist
- Occupational Therapist
- Physical Therapist
- Teacher of Visually Impaired (if not the case manager)
- Teacher of Hearing Impaired (if not the case manager)
- Adapted Physical Education
- Others (e.g., Assistive Technology Team Representative, Nurse,

School Psychologist, School Social Worker, Guidance Counselor)

The IEP Meeting Notice (*Meeting Request IEP*) must be provided prior to the scheduled meeting. To ensure due diligence, there should be reasonable notice between meeting attempts. It is NPS policy to provide three (3) written notices before an IEP meeting can proceed without the parent present. If the parents do not attend the third scheduled meeting, the meeting must be held on the date and time scheduled.

The parents may invite anyone who they deem has knowledge or expertise regarding the student. Individuals invited by the parents/guardians are NOT included on the IEP Meeting Notice.

In specific situations, a required member of the IEP team may be excused from attending the IEP team meeting, in whole or in part, when the meeting does not involve a modification to or discussion of the member's area of curriculum or related services. Prior to their excusal, the parent/guardian/adult student must provide consent to Norfolk Public Schools in writing. The consent must be documented on the IEP Attendance Form (*Excusal of IEP Team Member*) that is available in Synergy's Ad Hoc tab.

The IEP must be:

- In effect before special education and related services are provided to an eligible student.
- Reviewed at least annually.
- Developed within 30 calendar days from the date of the SEC initial determination that the student needs special education and related services.
- Developed within 30 calendar days from the date of the SEC Reevaluation determination that the student remains eligible for special education and related services and/or determination of a change of disability.
- Updated upon completion of formal evaluation(s).
- Scheduled when requested by the parent(s)/guardian or the adult student.
- Implemented within 24 hours following parental consent to the IEP.
- Accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.

Teachers and providers must be informed of their specific responsibilities related to implementing the student's IEP to include specific accommodations, modifications, and supports.

Transfer of rights to students who reach the age of majority⁸ (8 VAC 20-81-180)

Each year, once the student has reached the transition age of 14, the parent(s)/guardian(s) and student must be informed that at 18 years of age, all rights, which have been afforded to the parents, will legally transfer to the student.

Parent(s)/guardian(s) and student initials must be indicated on the printed cover page of the IEP to document the annual discussion of transfer of rights. Additionally, the date of transfer of rights notification for the parent(s)/guardian(s) and student must be indicated in Synergy on the cover page under "Transfer of Rights Date of Notification."

A student who has reached the age of 18 years shall be presumed to be a competent adult and all rights under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) shall transfer to the adult student, unless one of the following actions has been taken:

- Student is declared legally incompetent or legally incapacitated by a court;
- Student is designated, in writing, by power of attorney or similar legal document, another competent adult to be the student's agent to receive notices and to participate in meetings and all other procedures related to the student's educational program; or
- Student is certified as unable to provide informed consent.

Medical Information

The team will need to include pertinent medical information. It must be indicated if each medical condition is present or not. If yes is selected, a description must be entered regarding the current status, including the student's needs.

The two (2) drop down selections in Synergy SE, the NPS online special education/IEP platform, are to indicate if a student requires personal nursing services or if the medical needs of the student can be treated by the school nurse.

- Option 1: ____ requires personal nursing services. Physician orders must be available.
 - The Nursing form must be completed annually for any student requiring personal nursing services by a physician and can be located in the Ad Hoc document list.
- Option 2: ____ can receive as needed treatment from the school-based nurse. (I.e. A student must receive treatments for asthma as needed.)

⁸ [TRANSFER OF RIGHTS FOR STUDENTS WITH DISABILITIES UPON REACHING THE AGE OF MAJORITY IN VIRGINIA](#)

A description of the student's health issue(s) and need(s) are required. It must be noted if "Additional medical information is on file in the nurse's office and in the teacher's file" by selecting "Yes" or "No" in the drop down. Daily medication or Procedure PRN (medication that is provided to the student on an as needed basis) must also be indicated in the medical section of the IEP.

A parent's request for nursing services⁹ must be discussed at an IEP meeting. The parent(s)/guardian or the adult student must obtain medical documentation stating a nurse is required for a student to access their curriculum during the school day and submit it to the case manager and the attending school's nursing staff. A *Release of Information/Request for Records and Medical Certification for Nursing Services* is required to be completed by the parent(s)/guardian and student's physician.¹⁰

This request for a personal nurse must be discussed at an IEP meeting and include involvement of a staff member from the Department of Learning Support – Special Education Services.

- Once the documentation is obtained, the IEP team will meet to conduct an IEP meeting to discuss nursing services and medical documentation.
- If a nurse is required to ride the bus with the student, as documented by a doctor, this must be indicated on the LRE page of the IEP.
- The information must be forwarded to the Departments of Transportation and Learning Support- Special Education Services.

All medical needs must be documented in the IEP for the student to ride the bus and/or attend school (i.e. If the medical documentation requires oxygen for the student to attend school, transportation will not transport the student without the oxygen and the school building will not allow the student to remain in attendance without the oxygen if the medical needs are not documented on the IEP).

A *Medical Certification for Nursing Services* form must be submitted annually and reviewed at the annual IEP meeting to document the medical need for a personal nurse. Medical documentation must be obtained to discontinue nursing services, as well as specific treatments by a nurse in the school building.

The team must discuss if the student will utilize contracted nursing services or private nursing services and it should be documented within the IEP. Procedures on how to document the need for nursing services within the IEP can be referenced using [Synergy Procedures for Nursing Services](#).

⁹ NPSVA 9008 PRINT ONLY – Medical Certification for Nursing Services is located under Ad-Hoc Tab in Synergy SE

¹⁰ NPSVA 9004 PRINT ONLY - Release of Information/Request for Records is located under Ad-Hoc Tab in Synergy SE

Documentation of acknowledgement and procedure forms must be completed for either contracted nursing services and private nursing services at the meet and greet. All forms must be uploaded to the student's Synergy SE file and placed in the student's cumulative file

- Contracted Nursing:
 - [Contract Nursing Services Procedures](#)
 - [Contract Nursing Services Acknowledgement Form](#)
- Private Nursing:
 - [Private Nursing Services Procedures](#)
 - [Private Nursing Services Acknowledgement Form](#)

[Present Level of Academic Achievement and Functional Performance \(PLAAFP\)](#)

One of the fundamental components of the IEP is the PLAAFP. The PLAAFP provides a detailed overview of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum or, for preschool children, as appropriate, how the disability affects the student's participation in appropriate activities. The documented information shall be written in objective measurable terms, to the extent possible using the current IEP and student's progress toward achieving the annual goal(s). Achievement information for the student can be found in the eligibility documents, evaluation reports, and classroom performance data.

Additional information for the PLAAFP can be obtained from the parents/guardians, general education teachers, related service providers, and others who have knowledge of the student or special expertise regarding the student if applicable.

[Post-Secondary Goals and Transition Services](#)

Transition refers to goals and activities designed to prepare students with disabilities for adult life. This can include developing post-secondary education career goals, work experience while still in school, and connections with adult service providers such as vocational rehabilitation agencies, community-based educational programs, and/or state funded agencies. Statements about the student's transition needs must be included in the IEP. The transition assessments must be completed before post-secondary annual goals and objectives are formulated.

Transition services/post-secondary outcomes for students age 14, or younger if appropriate, involve the student in planning aligned coordinated services to help the student transition into adult life. Services must focus on a student's strengths, needs, preferences, and interests in the areas of employment, education, training, and independent living. Post-secondary goals must be supported by the student's disability-based transition assessments and

coordinated activities should be aligned with the student's interest and preference.

Transition assessments should be based upon age-appropriate and/or disability-based needs formal and informal measures. Additionally, the goals are based on the student's needs, while considering strengths, preferences and interests. Assessments must include at least one formal assessment to address the areas of education, training and employment, and one informal assessment for independent living skills. Transition assessments may include observations, interviews, inventories, situational assessments, formal and informal assessments, and academic assessments. Transition services include a coordinated set of activities focused on academic and functional achievement needed to assist the student in reaching postsecondary goals; this includes courses of study. Transition services or activities may include instruction, related services, community experience, employment and other adult living objectives, daily living skills, or a functional vocational evaluation. A discussion should take place with the student and parents, and others as needed, to determine the postsecondary goals or post-school vision for the student. Postsecondary goals are measurable and happen after high school. As the IEP is updated annually, changes can be noted as the student gets older.

Employment

This area includes integrated employment (paid employment in the community with non-disabled persons) and supported employment (paid employment requiring the assistance of a job trainer) that promotes and supports competitive, integrated employment as a first choice. A competitive wage means at or above the minimum wage. The goal should reflect the student's career choice to occur after graduating from high school.

Note: Annual goals and objectives/benchmarks should address areas of need that will impact the student's ability to achieve their post-secondary employment goal.

Education

This area must include one post-secondary goal for education including annual goals and objectives/benchmarks written after determining the student's plan in this area. It should include academic and functional skills, accommodations and/or adaptations required for learning. It may include college, technical school, or adult and continuing education needed to achieve post-secondary employment and independent living goals. Statements must be results-oriented according to the transition assessment(s) and student's needs, while considering strengths, preferences and interests.

Training

Training may include technical school, career and technical training, or training for adult living skills, including leisure activities needed to achieve post-secondary employment and independent living goals. Annual goals and objectives/benchmarks, written after determining the student's plan in this area, should include academic and functional skills, accommodations and/or adaptations required for learning. Statements must be results-oriented according to the transition assessment(s), and student's needs, while considering strengths, preferences and interests.

Independent Living, if appropriate

Goal(s) in this area address the student's plan for living arrangements, community mobility, leisure activities, financial supports, and civic responsibility. Annual goals and objectives/benchmarks must relate to any instruction or experience that prepares the student to function in an adult environment. Goal consideration must be results-oriented according to the transition assessment(s). There may be an occasion when the IEP team determines that an independent living goal is not appropriate. The disability specific needs, with the strengths, preferences, and interests identified on the PLAAFP form and a formal transition assessment, should support the decision not to develop a post-secondary goal for Independent Living.

Coordinated Activities

Coordinated activities should include three activities for each goal area. One of the three activities must take place within the life of the current IEP. Activities should be related to the goal areas to help the student obtain their post-secondary goals. This section should include skills, course work, and school/extra-curricular activities that will facilitate achieving the student's post-secondary employment goal in the current IEP.

Responsible Party

The case manager must identify the roles of responsible parties and/or outside service providers (i.e. Department of Aging and Rehabilitative Services) for each post-secondary coordinated activity. Parent/guardian or adult student permission must be granted for service providers to attend the meeting.

Diploma Options

Diploma options must be discussed annually for students who have reached the transition age of 14. The discussion should be based upon a student's academic

history, course of study, and the student's post-secondary goals. Diploma options and their impact must be documented in the PLAAFP and in the PWN. Diploma options the team can consider include:

- *Advanced Studies Diploma*
Requires students to have 26 course credits and 9 verified credits with or without credit accommodations. This diploma is Virginia's highest diploma and requires students to complete three years of a foreign language and advanced mathematics courses. This is the best diploma option for students wishing to attend a four-year college.
- *Standard Diploma*
Requires students to have 22 course credits and 5 verified credits with or without credit accommodations. Students are eligible to apply to a community college/four year university/college with this diploma.
- *Applied Studies Diploma (Special Seal)*
An Applied Studies Diploma is not equivalent to a Standard diploma, and it may not qualify a student for post-secondary opportunities for which a regular high school diploma is required, such as higher education, financial aid, military enlistment/service, and some employment opportunities. This diploma option is only available to students identified as having a disability who complete the requirements of their Individualized Education Program (IEP), but do not meet the requirements for the advanced studies or standard diploma options. If a student participates in the [Virginia Essentialized Standards of Learning \(VESOL\)](#), they will not be able to obtain a Standard or Advanced Studies Diploma. The student will be eligible for an Applied Studies Diploma.

Students receiving an Applied Studies diploma may participate in graduation and continue to receive services until the age of 21 inclusive.

Course of Study

Course of Study is required for the current and upcoming year for all students. For students age 14 (and younger if appropriate), transition planning involves helping the student identify long-term educational plans and coursework; and includes consideration of co-curricular or extracurricular activities that will address needs in the areas of academic and functional skills. Two separate fields are required to discuss the student's current course of study and upcoming course of study. The decision regarding the course of study should be based on the student's strengths, preferences, interests, and needs and must be designed to enable the student to achieve post-secondary goals.

Summary of Test History

A student's summary of test results include, but is not limited to, district, classroom, and state performance from previous grade levels. Document parameters that are relative to the test results.

Summary of Current Assessments

Document current assessments (not more than three years) and history of evaluation (including outside reports) completed. This can include but is not limited to cognitive assessments, achievement assessments, behavior rating scales, adaptive skills assessments, and observations. (This list is not all inclusive).

Strengths of the student

Must be completed for **ALL** of the following areas (8 in total):

- Academic
- Social
- Motor/Self Help Skills
- Emotional/Behavioral
- Communication (Speech and Language Skills)
- Work Habits
- Independent Living
- Community Participation

Needs as They Impact Learning (Based on eligibility findings)

For each area impacted by the disability, a description of the student's weaknesses and how the disability affects involvement and progress in the general curriculum must be included in the present level of academic achievement and functional performance section. Only the areas affected by the disability, requiring specially designed instruction, are to be addressed.

For preschool students, the IEP team needs to focus on how the disability affects the student's participation in age appropriate activities. Descriptive statements must be documented in each section that is impacted by the disability and requires specially designed instruction. Reported test scores must be accompanied by a description of the strengths, weaknesses, and current level of performance.

Academic: Includes the student's current functioning level and a description of the student's approach to learning and the effectiveness of the strategies used. Specific weaknesses in reading, writing, math, and the student's learning style are described in this area. Functional academic skills may also be addressed in this area.

Social: Includes the student's weaknesses and current observable behaviors such as social interaction and relationships with adults and peers. Any additional information pertinent to the student's social success in the educational environment should be included.

Motor/Self-help Skills: Includes the student's weaknesses and the impact of the disability on fine motor, gross motor, and functional living skills. Input from the Occupational Therapist, Physical Therapist and/or Adaptive Physical Education staff is included in this section.

Emotional/Behavioral: Includes the student's weaknesses and current observable behaviors. Any additional behavioral information pertinent to the student's success in the educational environment should be included.

Communication (speech and language skills): Includes the student's weaknesses and a description of the student's receptive and expressive language, articulation, fluency, and voice. The information will be completed by the related service provider in collaboration with the case manager.

Work Habits: Includes the student's weaknesses, task performance in the classroom and the impact on learning (e.g. work completion, time on task, in-seat behaviors, and organizational skills).

Independent Living: Includes information on a student's needs regarding their capacity to function in current or future living and community environments. For a student who is educated with an aligned and/or functional curriculum, this area should include their ability to be independent at age appropriate levels. For example, a student who is 5 years old is not going to be working on managing a household budget and making meals. However, an older student should have this introduced through the IEP because other typically developing students are learning this skill in their natural home environment.

Community Participation: Includes student's needs related to mobility and the student's ability to use their community surroundings (e.g. ability to independently navigate the educational environment, ability to give back to their community).

Effect of Disability on Progress in the General Curriculum and Needs of Student to Access the General Curriculum

Discuss how the student's disability affects their progress in the general curriculum and any specific needs for the students to access the general curriculum. A review of the student's eligibility information may be appropriate to document how the disability affects progress in the general curriculum.

Parent input for enhancing education/concerns

Obtaining parental/guardian input for enhancing education and concerns should be documented within the IEP. Asking open ended questions will help engage the parent/guardian in the meeting and allow the IEP team to address any concerns.

Performance in general education setting

When documenting a student's performance and outcomes in the general educational setting, it should include, but is not limited to student assessment results, participation, grades, attendance, and any other pertinent information that objectively describes the students overall performance in the general education setting.

Progress on IEP goals and explanation for lack of progress

Progress on IEP goals and an explanation for a lack of progress must be documented via an IEP meeting and in the PWN. When considering what is needed for student progress, current data, goals, and objectives must be reviewed to determine if the goals are appropriate and attainable over the annual IEP.

Factors for IEP Team (Special) Consideration

The IEP team must determine if any of these factors are relevant for the child and, if so, address the factor in the child's IEP.

Communication

Speech and Language Pathologists (SLPs) work collaboratively with all members of the IEP team to ensure that students are able to communicate effectively and access their educational environment and curriculum. Following eligibility determination of a Speech and Language Impairment or IEP determination of speech and/or language services as a related service, SLPs deliver specially designed instruction to address fluency, articulation, voice, and pragmatic, expressive, and receptive language skills. If the student requires special consideration for communication, a description of the needs will be discussed.

Benchmarks/Short Term Objectives

Regulations require short term objectives/benchmarks for students whose instruction is aligned to alternative achievement standards who are participating in the [VESOLs](#). Short-term objectives/benchmarks are required for all annual goals that are not standards-based (functional academics and non-academic goals for communication, work habits, social, emotional/behavioral). Develop short-term objectives/benchmarks that support the annual goal. If the student requires special consideration for benchmarks/short term objectives, a description of the needs will be discussed.

Assistive Technology¹¹

IDEA 2004 defines assistive technology (AT) in terms of devices and services: “Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability; whereas, assistive technology services are any service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device.” If the student requires special consideration for Assistive Technology, a description of the needs will be discussed. AT services may include:

- Evaluation of the technology needs of the individual, including a functional evaluation in the individual’s educational environment.
- Acquisition by purchasing, leasing, or otherwise providing assistive technology devices for individuals with disabilities.
- Application of selecting, designing, fitting, customizing, adapting, maintaining, repairing, or replacing assistive technology devices.
- Coordination of other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs.
- Training and Technical Assistance for students with disabilities, as well as their guardians and related staff members.

Behavioral Needs

In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions, strategies, and supports to address that behavior. The team must consider the student’s need for positive behavioral interventions and supports and strategies to address behaviors that impede learning of self or others. The team must conclude one of the following:

- Current strategies in place meet the needs of the student
- Behaviors are not part of the student’s disability
- Behaviors are part of the disability

If the student requires special consideration for Behavioral Needs, a description of the needs will be discussed.

Student with Limited English Proficiency

In the case of a student with limited English proficiency, consider the language needs of the student as those needs relate to the student’s IEP. The team will determine if the student:

¹¹ NPSVA 9002 PRINT ONLY – Assistive Technology Referral (SETT form) is located under the AD-Hoc Documents tab in Synergy SE. The referral process is included in the [AT handbook](#)

- Is an English Language Learner
- Is not an English Language Learner

If the student requires special consideration for Limited English Proficiency, a description of the needs will be discussed.

Blind/Visually Impaired¹²

In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines after an evaluation of the student’s reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student’s future needs for instruction in Braille and the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the student. The team considers whether the student has a visual impairment that requires Braille services in order to function at a level consistent with expected achievement and determined the following:

- Student is visually impaired
- Student is not visually impaired

If the student requires special consideration for a visual impairment, a description of the needs will be discussed.

Deaf/Hearing Impaired¹³

In the case of a student who is Deaf or hard of hearing, consider the student’s language and communication needs, opportunities for direct communications with peers and professional personnel in the student’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student’s language and communication mode. The IEP Team may use the Virginia Communication Plan when considering the student’s language and communication needs and supports. The team must consider if the student has communication needs that require educational communications in an alternate mode preferred by the student and determine that alternate mode. If the student requires special consideration for a hearing impairment, a description of the needs will be discussed.

Accessible Instructional Materials

Use of the Accessible Instructional Materials Center of Virginia (AIM-VA) and/or the National Instructional Materials Accessibility Standards (NIMAS) materials is limited to students with a documented print

¹² [VI services](#)

¹³ [D/HH services](#)

disability in their Individualized Education Program (IEP). A 'print disability' has been defined as, a student who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability. Under the Individuals with Disabilities Education Act (IDEA, 2004) students who are blind, visually impaired, have a physical disability or a reading disability may qualify to access and use specialized formats under provisions of the Chafee Amendment to the Copyright Act. As a result, NPS must keep documentation of students' eligibility to use instructional materials produced by AIM-VA and/or from NIMAS files.

Measurable Annual Goals

Goals and objectives/benchmarks are based on the student's PLAAFP, the impact of the disability, and as appropriate, transition assessment results. The proposed goals must be discussed and reviewed at the IEP meeting; proposed goals can be revised, deleted, or additional goals can be added based on the individual needs of the student.

- Goals should be measurable, objective and observable.
- Pre-score date (should precede IEP date) and data source are required for all goals.
- Data should be numerical (EX: 40%, 2 out of 5 mastery, etc.)
- Pre-score source should be aligned to the goal (EX: If a student has a decoding goal, the data source should be based on decoding.)

Each goal must be measurable, objective, and observable. Goals should be developed with the expectation that the student will master the goal within the implementation period of the IEP. They should also be designed to allow access to the general curriculum, as well as, develop student independence. Curriculum objectives and SOL numbers should not be written as the annual goal.

All academic annual goals must be [standard-based](#); however, if the student qualifies for and participates in an alternate curriculum (e.g. VESOL), the goals will focus on functional skills. Standards-based goals are skill-based, not a restatement of the standard. Short-term objectives/benchmarks are required for all annual goals that are not standards-based. This includes functional academic goals for students who participate in an alternative curriculum. Non-academic goals (e.g. communication, social/emotional, work habits, motor/independent living) are not standards-based and require short term objectives/benchmarks. There may be multiple goals for one content area(s) (e.g. reading, writing, math) or non-academic area(s) (e.g. communication, social/emotional, work habits, motor/independent living) as indicated in the PLAAFP.

The following components must be identified in the annual goal:

- Given (Condition under which the student will demonstrate the desired behavior)
- Student

- Observable action/behavior/skill
- Measurable Accuracy Level
- Achievement Date (month/year)
- How progress toward the annual goal will be measured
- Short-Term Objectives/Benchmarks

Annual Goal Categories

All categories impacted by the disability must be written as areas requiring specially designed instruction. The categories are listed as follows: Academic; Social; Motor/Self-help Skills; Emotional/Behavioral; Communication (Speech and Language Skills); Work Habits; Independent Living; and Community Participation

Services, Setting, and Location

The location, setting, and frequency of services for specially designed instruction (SDI) must be specified in the designated section of the IEP. The service minutes are to be aligned with the student’s needs as it relates to the disability(ies). Student services should not be based upon master schedules, but the needs of the student. All disabilities must have service time with the primary disability having the majority service minutes than the secondary and tertiary disabilities, if applicable.

Information regarding the building where the student will be receiving services is further described in the least restrictive environment (LRE). The location drop-down list indicates the type of building in which the student requires service.

The instructional setting drop-down list indicates the type of environment within that instructional building the student requires the service.

Amount of time must be indicated.

The number of minutes is the amount of time a student requires direct services for that area of SDI.

The frequency unit indicates how often the student receives the service.

Examples of possible SDI requirements:

- 30 minutes, 5 times, weekly of Academic Reading
- 45 minutes, 1 time, weekly of Speech/Language Therapy

Enter the Begin and End Dates, excluding Summer Break, using the “Calendar” button or by entering the date in MM/DD/YYYY format. Be sure dates coincide with the cover page. The end date of the services cannot go beyond the end date of the annual IEP on the cover page.

- Complete all four date boxes for IEPs that span over the summer.
- The first end date box is the last day of the current school year.

- The second begin date box is the first day of the following school year.
- If an IEP is written so as not to span over the summer, the user must only complete the first two date boxes.
- *Indicate if Related Services are needed.*
- If a related service is required, complete the table by following the same steps of adding Specially Designed Instruction (see above).

Direct Services provide specially designed instruction and/or supplementary instruction delivered by a special education teacher through individual and/or small group instruction. They address the areas of deficit that have been identified for that student and strengthen the student's cognitive skills. Direct Services are provided directly to the student to address educational needs directly related to the student's disability.

Indirect Services provide collaborative consultation between the special education teacher and the general education teacher which focuses on adjusting the learning environment and/or modifying and adapting instructional techniques and methods to meet the individual needs of the students in the general education classroom.

Related Services

Indicate if the student *is in need of or is not in need of* related services. Only the related services that can also stand alone as a disability (SLI, VI, HI) should select the eligibility dropdown for the related service. All other related services will NOT have an eligibility selected and the dropdown should be left blank.

Related services are specific services that the IEP team determines a student requires to benefit from their special education program. In order to make decisions about related services, IEP Teams must review evaluation data and document their decisions. Related service providers with expertise should have input and may be a part of the IEP Team or contribute information in writing or by consultation. When the IEP Team adds any service that is required for the student to benefit from special education, it is considered a related service.

Related services are only available to students with disabilities and are determined by the IEP Team. Eligibility teams may not determine related services. If eligibility teams review related service evaluation data, recommendations may be provided to the IEP Team.

Related services may include transportation, speech-language services; audiology services; interpreting services; psychological services; physical and occupational therapy; assistive technology; adapted PE; counseling services; orientation and mobility services; educational interpreters; and services from teachers of the blind/visually impaired and teachers of the deaf/hard of hearing. The list of related services is not

exhaustive and may include other developmental, corrective, or supportive services , if they are required to assist a child with a disability to benefit from special education. (§ 22.1-213 of the *Code of Virginia*; 34 CFR 300.34(a) and (b)).

Instructional and Testing Accommodations

Accommodation(s) are justified and aligned to the disability-based need(s) of the student with supporting data. The frequency of the accommodation(s) must be specific to when the student will receive the accommodation(s) during the school day.

Instructional (I): an accommodation that is only to be used during instructional times and situations. The accommodations listed as instructional will not be available for testing on state and/or district assessments.

Instructional & Testing (IT): an accommodation that is to be used on state and/or district testing. REMINDER-state testing accommodations must be allowable when they are attached to specific tests. Use the document “Students with Disabilities for Participation in Virginia’s Accountability System, A Guide for Educators and Parents” (revised July 2013) as a reference for allowable state testing accommodations or contact a teacher specialist/coordinator.

Testing & Instructional Accommodations will appear on the testing tab for the case manager to select the appropriate tests.

[Procedures for Related Service Determination](#)¹⁴

IEP teams will need to follow specific referral/evaluation procedures to assist in determining if the student requires a related service(s).

[Collaboration between Private Therapists and Special Educators](#)¹⁵

In addition to school-based therapy services, students may participate in private therapy services outside of school. The document, [How Private Therapists and Special Educators Can Work Together](#), should be provided to parent(s)/guardian(s). If a parent/guardian has chosen to pursue private therapy for the student, teachers are encouraged to collaborate with the private therapist.

[Transportation](#)¹⁶

If the IEP team determines that a student with a disability has a disability-based need that requires special transportation, the team must then consider the accommodations or modifications needed for the student to access the least restrictive environment

¹⁴[Procedures for Related Service Determination](#)

¹⁵[Collaboration between Private Therapists and Special Educators](#)

¹⁶ NPSVA 9015 PRINT ONLY – Transportation Request (formerly B-70) is located under the AD-Hoc Documents tab in Synergy SE. Submission of this request MUST align with the IEP indicating the student will receive special education transportation for the duration of the IEP due to the disability and/or access to the program site. (8VAC20-81-100.G.H)

(LRE). In addition, the IEP team **must** consider if an adult (18 years or older) must be present at the designated locations for pick up and drop off.

- A “No” to this statement indicates general transportation will be provided. *Note – If Transportation Services are indicated as ‘No’, the descriptive fields will not display in the printed IEP.*
- A “Yes” to this statement indicates special transportation will be provided. Designate the special transportation needs.
- As required, specify details of adaptations and if an adult 18 years or older will be present .

The fields for the transportation dates will be revealed. Enter the initial begin date of the services and the final end date of the services.

- If a student is assigned for programming purposes and would not generally receive special education transportation to the home school, select “YES” and explain in the “Other” box that due to the location of services the student will receive special transportation.
- Determine if the student is safe to ride the general bus for field trips with supervision and check the box if it is appropriate. If the field trip box is NOT checked then it is implied that the student is required to ride special transportation for all field trips. If a student has physical therapy (PT) as a service, then PT must be the one to determine the student’s safety on the general bus for field trips.

[Supplementary Aids and Extended School Year Services \(ESY\)¹⁷](#)

Supplementary aids and services are aids, services and other supports that are provided in the general/regular education classroom and other education-related settings in the least restrictive environment, and in extra curricular and non-academic settings to enable children with disabilities to be educated and participate with their non disabled peers to the maximum extent appropriate.

Supplemental Aids and Extended School Year (ESY) tab includes a statement regarding supplemental program supports, ESY consideration and program modifications.

Extended School Year is provided only if the IEP team determines that the services are necessary for the provision of FAPE to the student, because the benefits a student gained during the regular school year will be significantly jeopardized if the student does not receive ESY.

¹⁷ [Extended School Year Services](#)

ESY refers to special education and/or related services provided beyond the normal school year of a school division for the purpose of providing FAPE to a student with a disability. ESY addresses instructional or support services beyond the regular, 180-day, school year due to:

- Regression/Recoupment
- Degree of Progress
- Emerging Skills/Breakthrough Opportunities
- Interfering Behaviors
- Nature and Severity of the Disability
- Special Circumstances or Other Factors

State Testing and Division-wide Assessments

Standards of Learning (SOL) are minimum expectations for what students should know and be able to do at the end of each grade or course in English, Mathematics, Science, History/Social Science and other subjects.

The Virginia Department of Education is requiring all public school students in grades 3-8 to take a Virginia Standards of Learning Growth Assessment in Math and Reading to measure growth during the school year. Individual student score reports will be provided with details of how students performed on each test item. The growth assessments do not include a passing/failing score; the focus on these assessments is on identifying what students have already learned as well as the skills they may need additional help with during the school year.

Virginia Alternate Assessment Program (VAAP) and Virginia Essentialized Standards of Learning (VESOL) are designed to evaluate the performance of students with significant cognitive disabilities who are working on academic standards that have been reduced in complexity and depth. This content is derived from the Standards of Learning (SOL) and is referred to as the Aligned Standards of Learning (ASOL). Students participating in the VESOL are required to participate in the electronic assessment in the academic areas (math, reading, and science) as required of their non-disabled peers in the same grade level. Students in grades 5 and 8 who are participating in the VAAP are required to submit a collection of evidence in the academic area of History/Social Science as required of their non-disabled peers in the same grade level. Students in grades 8 and 11 who are participating in the VAAP are required to submit a collection of evidence in the academic area of writing as required of their non-disabled peers in the same grade level.

Team Considerations for Secondary IEPs

Summary of Performance

The Summary of Performance (SOP) documents the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting their post-secondary goals. The SOP is required for students who are graduating with an Advanced Diploma, Standard Diploma, turning 18 years old, or will age out of special education services; applicable for students turning age 22 on or before September 30.

Credit Accommodations

Credit accommodations provide option(s) for students with disabilities in earning the standard and verified credits required to graduate with a Standard or Advanced Diploma. Credit accommodations for the Standard/Advanced Diploma shall be determined by the IEP team with student input as appropriate, at any point after the student's eighth-grade year. The school must obtain the informed written consent of the parent/guardian/adult student/student to select credit accommodations after review of the student's academic history and performance and full disclosure of the student's options.

The student must meet the following criteria to be eligible to receive credit accommodations for the Standard Diploma:

- Student must have a current IEP with standards-based content goals.
- Due to the intensity of the student's disability, they are unlikely to achieve and make progress commensurate with grade level expectations but are learning on grade level content.
- Student needs significant instructional supports to access grade level SOL content and to show progress.
- Based on multiple objective measures of past performance, the student might not be expected to achieve the required standard and verified units of credit within the standard time frame.

To identify appropriate students for credit accommodations, a student's IEP team or 504 committee must address each section of eligibility form and attach supporting documentation as indicated. The eligibility form is available in Synergy SE under the Ad Hoc documents tab (PRINT ONLY - Credit Accommodations (IDEA & 504) Eligibility Form).

Credit accommodations for students with disabilities may include:

- Alternative courses to meet the standard credit requirements
- Modifications to the requirements for locally awarded verified credit
- Additional tests approved by the Board of Education for earning verified credit
- Adjusted cut scores on tests for earning verified credits

- Allowance of work-based learning experiences through career and technical education (CTE) courses

Parental Consent for Billing Public Insurance

Medicaid is a public insurance program that supports medical and other health-related services to students with disabilities. This tab includes Medicaid consent statements/choices. Use the drop down list to indicate the parent's response to the Medicaid billing request. This must be reviewed during the IEP meeting. Consent for Medicaid reimbursement does not affect the student's (guardian/adult student) current (if applicable) access to Medicaid billing and/or services. Do not make a choice for the parent.

Prior Written Notice (PWN)

NPS must provide a Prior Written Notice (PWN) to parent(s)/guardian(s)/the adult student in writing that explains a description of actions proposed or refused by the district. Prior to implementing the developed IEP, the team must review the Prior Written Notice (PWN) with the parent before obtaining informed written consent. A PWN is required whenever NPS proposes or refuses to:

- Initiate or change a student's disability classification
- Initiate or change a student's evaluation
- Initiate or change a student's educational placement
- Initiate or change a student's Free and Appropriate Public Education (FAPE)
- NPS shall provide a PWN for:
 - Notice of Referral
 - Notice of Evaluation Decision
 - Notice of IEP (Annual Review and IEP) Amendments
 - Notice of Request for Evaluation/Reevaluation (Intent to Test and Intent Not to Test)
 - Notice of Eligibility (Eligible for Placement and Not Eligible for Placement)
 - Notice of Termination
 - Notice of Refusal
 - Notice of Withdrawal of Parental/Adult Student Consent

The PWN is a document used to capture the essential deliberations of the IEP team and is required to be provided to the parent/guardian ***prior*** to consent.

If the PWN is not completed at the IEP meeting, the IEP team has up to 10 business days to complete and send it to the parent/guardian/adult student. The parent will not sign the IEP before receiving the PWN.

The PWN must be written in a language understandable to the parent and provided in the native language or other mode of communication used by the parent/guardian/adult student.

PWN should reflect all pertinent information and deliberations from the meeting. Do not simply rely on the dropdown menu. The PWN is not a meeting summary.

Parent Statement

After the PWN is reviewed by the IEP team, the parent may sign the IEP. The parent must be informed of the outcome of both choices and what recourse is available via the Procedural Safeguard manual if they are not in agreement with the proposed IEP. The parent statement is available in the drop down box that indicates if the parent agrees with the proposed services indicated in the IEP. There are two options:

“I agree with the proposed placement in Special Education” or;

“I do not agree to the proposed placement in Special Education”.

Once informed written consent is obtained:

- Indicate the response by checking the corresponding option on the signature page
- Upload the signature page(s) to the IEP
- Validate and finalize the IEP process

Do not make a selection in Synergy of parent consent **prior** to receiving consent. Do not finalize the event in Synergy until you have received consent from the parent.

[FREE APPROPRIATE PUBLIC EDUCATION \(FAPE\) \(8VAC20-81-100\)](#)

Each eligible student with a disability is entitled to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet the student’s unique needs. A FAPE also prepares the student for further education, employment, and independent living. A reasonably calculated IEP is required to support the mandate of a FAPE with content based on the student’s unique needs, the present levels of academic achievement and functional performance, and the impact of that student’s disability on his or her involvement and progress in the general education curriculum.

[LEAST RESTRICTIVE ENVIRONMENT AND PLACEMENTS \(8 VAC 20-81-130\)](#)

The Least Restrictive Environment (LRE) statement details the service(s) and setting(s) established by the IEP team that determine where the student will receive service(s) throughout the instructional day. A justification is required if the student will receive service(s) outside of the general education classroom; including all activities in which the student will participate with non-disabled peers (e.g., resources, electives, lunch, academic classes, P.E., lunch, sports, clubs, etc.).

NPS ensures that students with disabilities participate in the general education setting to the maximum extent appropriate, aged two to 21. The term “least restrictive environment” refers to the setting determined by the IEP team to give your child as much contact as possible with general education peers while meeting his or her unique educational needs. LRE also means special classes, separate schooling, or placement of the student in an environment outside of the general education classroom only when the nature or severity of the disability is such that

education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily.

When reviewing the continuum of services in the least restrictive environment (LRE), consider a student's ability to participate in the general education classroom with the use of supplementary aids and services. A student may require a temporary alternative setting from the general educational environment due to the severity of the disability. This includes students in public or private institutions or other care facilities who may not have access to their nondisabled peers.

A description of the continuum of placements offered by NPS are as follows:

Public Day School

- General education classroom/Consultation
- General education classroom with accommodations and/or modifications to the instructional program.
- **Inclusion/Collaborative Model:** General education classroom with specially designed instruction in the classroom during portions of the day.
- **Partial Inclusion/Collaborative Model:** General education classroom for more than 50% of the school day and special education classroom (students with disabilities) for up to 30% of the school day.
- **School-based or District-Wide Program¹⁸** : Special education classroom setting (students with disabilities) for more than 60% of the school day. Inclusive of opportunities for participation in non-academic and extracurricular activities with non- disabled peers. Learning Support Teacher/Program Specialist **must** participate as a representative for the District-Wide program¹⁹ to ensure full description of the offerings and special classrooms.
- **Public Separate School (SECEP)²⁰** : Special education classroom with no participation with non-disabled students in nonacademic or extracurricular activities. A Learning Support Teacher Specialist/Program Specialist **must** participate as a representative to ensure full description of the program offerings and special classrooms. This will also afford the parent an opportunity to ask questions relative to the new placement.

¹⁸ [District-Wide and Site-Based Career Development Programs – Appendix B](#)

¹⁹ [District-Wide and Site-Based ID/MD Programs – Appendix B](#)

²⁰ Public Separate School(SECEP) -[Appendix B](#)

[Private Day School for Behavior \(facilities with approved funding through the Children’s Services Act\)²¹](#)

Special education classroom without access to non-disabled students in non-academic or extracurricular activities. (A Learning Support Teacher Specialist/Program Specialist **must** participate as a representative ensuring full description of the process to secure Children’s Services Act (CSA) funding). Outside agency involvement is required.

[Private or Public Residential School \(Facilities with approved funding through the Children’s Services Act\)²²](#)

Special education classroom with no participation with non-disabled students in non-academic or extracurricular activities. (A Learning Support Teacher/Program Specialist **must** participate as a representative ensuring full description of the process to secure Children’s Services Act (CSA) funding.) Outside agency involvement is required.

[Home²³](#)

Norfolk Public Schools (NPS) may provide homebound instructional services to **enrolled** NPS students when a documented medical condition prohibits the student from daily attendance in school. Homebound instruction is **not** a special education placement and should not be confused with *home based* instruction. Homebound instruction means academic instruction provided to a student who is **confined at home or in a healthcare facility for periods that would prevent normal school attendance** based upon certification of need by a licensed physician, licensed clinical psychologist, or psychiatrist.

Medical homebound instructional services are available to eligible students whose documented medical needs (physical or psychiatric) prevent regular school attendance; or if it is anticipated that they will be absent for a specific period of time exceeding fifteen or more consecutive days (or three weeks) of school; this includes students who are pregnant.

Homebound instruction is not intended, nor can it be construed, as a method of delivering a full curriculum and may not provide sufficient grades/credits for promotion. Homebound instruction is intended to provide continuity of educational services between the classroom and the home setting for students whose medical needs, both physical and psychiatric, do not allow for regular school attendance during the regular calendar school year. Homebound instruction is temporary in nature and has the goal of facilitating the student’s return to school within a specific period of time. Homebound instructional services are not a guarantee that the student will progress in the academic program.

Homebound instruction is **not** intended to replace regular school services or to be used as an intervention tool. All homebound applications²⁴ have to be renewed every 9 weeks and every

²¹ Private Day School for Behavior - [Appendix B](#)

²² Private Residential School – [Appendix B](#)

²³ Overview of Homebound document is available using the following link: [Overview of Homebound](#)

²⁴ [Homebound application](#)

school year. If there is a new need for homebound services or if the need continues, a new application can be submitted no more than 30 days prior to the first day of school.

Completed homebound applications should be submitted to homeboundapplications@norfolkpublicschools.samanage.com for processing.

Hospital

Long-term placement in a hospital – This term refers to an admission whereby children are placed long-term in a State Operated Program (SOP) for non-educational reasons. For these children, the individual child’s LEA of residence continues to be responsible for the provision of FAPE in the least restrictive environment (LRE) according to 8 VAC 20-81-30. The SOP is required to notify the appropriate LEA of the admission and status of long-term students as well as any meetings associated with the child. (A Learning Support Specialist or Administrator **must** participate in the IEP meeting.)

Correctional Education Facility

The Regulations Governing Special Education Programs for Children with Disabilities in Virginia require each school division to provide special education and related services to all students with disabilities incarcerated for more than 10 days in a local or regional jail in its jurisdiction.

INFANT/TODDLER LRE Options (Ages 0-2)

Home (Ages 0-2)
Residential (Ages 0-2)
Service Provider Location (Ages 0-2)
Hospital Program (Ages 0-2)

PRE-K LRE Options (Ages 2-5)

Attending a regular early childhood program (Ages 3-5)
Separate Class: Special Education Classroom (Ages 2-5)
Separate School (Ages 2-5)
Residential (Ages 2-5)
Service Provider Location (Ages 2-5)
Home (Ages 2-5)
Hospital Program (Ages 2-5)

LRE Options (Ages 6-22)

Public Day School (Ages 6-22)
Public Separate School (Ages 6-22)
Private Day School (Ages 6-22)
Private Residential School (Ages 6-22)

Public Residential School (Ages 6-22)
Homebound Placement (Ages 6-22)
Hospital Program (Ages 6-22)
Correctional Education Program (Ages 16-22)

CHILDREN WHO TRANSFER (8 VAC 20-81-120)

The following transfer process must be used for students with disabilities who transfer between local educational agencies in Virginia or transfer from a local educational agency outside of Virginia to a local educational agency in Virginia.

IN STATE AND OUT OF STATE TRANSFERS

A student who is transferring from another school division in Virginia or an out of state school division within the same school year **or** over the summer:

- Obtain a copy of the current IEP
 - If a copy is not available, the Department Chair or Assistant Principal assigned to special education must take reasonable steps to contact the previous school to verify services (document the contact in writing and request a copy of all special education records).
 - In verifying the information, call the previous school and obtain the student's disability, services provided, percentage or minutes of services, and setting where services were provided.
- The school staff may consult with the assigned Senior Coordinator or Teacher/Program Specialist for completion of the Interim Placement (Transfer) process to ensure comparable services.
- If no IEP can be obtained or verified, place the student in general education until IEP is obtained (no special education services are provided).

Interim Transfer Process

- Complete the Interim Placement (Transfer) process in Synergy.
 - **Situation ONE:**
If the transferring IEP does NOT expire within the next 120 calendar days, the assigned case manager (elementary) or administrator/department chair (secondary) will transcribe the incoming IEP into the Interim Placement Transfer process in synergy and meet with the parent to obtain signatures to implement the IEP.
 - The date of the IEP remains the date of the incoming IEP on the transferring IEP.
 - The transfer IEP date is the date the transfer IEP meeting is held.

- The start date on the services page is the day of the transfer IEP meeting.
- The ending date on the services page should be identical to the ending date on the incoming IEP.
- **Situation TWO:**
If the transferring IEP expires in less than 120 days or has already expired, the full IEP team must convene (general education teacher, special education teacher, NPS representative, and parent) to complete the transfer IEP process in synergy.
 - The date of the IEP becomes the date the transfer IEP meeting is held.
 - The transfer IEP date is the date the transfer IEP meeting is held.
 - The start date on the services page is the day of the transfer IEP meeting.
 - The ending date on the services page will **not** be from the incoming IEP. It will be one year minus a day from the date of the transfer IEP meeting.
- Complete the Prior Written Notice
- Obtain written parental consent on the Interim Placement (Transfer) process.

If Parental Consent is obtained on the Interim Placement (Transfer) process:

- Assign a case manager and provide the special education services indicated on the Interim Placement (Transfer) process.

If Parental Consent is not obtained or signed as NO on the Interim Placement (Transfer) process:

- Place the student in the general education classroom.
- Complete a Request for Student Assistance Team (SAT) within 30 calendar days.
- Send a Notice of the SAT Meeting to the parent(s)/guardian/adult student.
- Convene the SAT meeting within 10 business days of the date of the Request for Assistance and complete the Student Assistance Team (SAT) Minutes.
 - At the SAT meeting, the team must determine if the parent is:
 - Revoking consent for special education – See Revocation of Consent section.

- Disagreeing with services offered – Call Senior Coordinator/Teacher Specialist assigned to your school.
- Requesting an initial evaluation.

Confirming Eligibility after Transfer IEP

Within 30 calendar days of obtaining parental consent for the transfer IEP, a reevaluation meeting must be held to confirm eligibility or determine if an evaluation is needed.

- Using the Virginia Eligibility Criteria worksheet, the team can confirm the student’s eligibility for special education and related services. If no further evaluations are needed, an IEP must be written within **30 calendar days**.
- If the team determines that an evaluation is needed, the EVALUATION process must be followed. An IEP meeting must be written within **30 calendar days** after confirmation of eligibility.

TERMINATION OF SPECIAL EDUCATION AND RELATED SERVICES (8 VAC 20-81-90)

Termination of the student’s eligibility for special education and related services must be determined by the SEC through a re-evaluation. Parental consent is required prior to any termination of services and a PWN must be provided to the parent.

An evaluation is not required before the termination of eligibility due to graduation with a standard or advanced studies diploma. It is also not required when the student reaches the maximum age of eligibility.²⁵ NPS must provide the child with a summary of performance, which shall include recommendations on how to assist the student with meeting the student’s post-secondary goals.

Revocation of Consent

The parent must provide written notice revoking consent of special education services. This written request must be sent immediately to the assigned Senior Coordinator of Learning Support – Special Education Services. A PWN will be provided to the parent by LS-SES. Once the PWN is sent to the parent/guardian/adult student and received by the school, the IEP is immediately null and void. No further meetings (i.e. Annual IEP and Re-evaluation meetings) are to be held.

If the student receives services in a collaborative setting or special education setting, the student’s schedule must be changed to include all general education classes.

²⁵ Age of Eligibility: Children with disabilities who have not reached their 22nd birthday on or before September 30 (two to 21, inclusive) in accordance with the Code of Virginia. A child with a disability whose 22nd birthday is after September 30 remains eligible for the remainder of the school year.

- When the services are removed:
 - The student will be treated the same as their non-disabled peers, and
 - The IEP will no longer be in effect.
 - The regular discipline rules as described in the NPS Code of Conduct will apply.

If the parent(s)/guardian or adult student requests special education services to resume at a later date, a referral must be made to initiate the special education process.

PRIVATE SCHOOL PLACEMENTS (8 VAC 20-81-150)

No student with a disability attending a private school, or who is home-schooled, has an individual right to receive some or all of the special education and related services that a child with a disability would receive if enrolled in a public school. If a student is found eligible to receive special education services, the IEP team must convene a meeting to propose placement services to be provided in the transitional school setting for the student to receive a Free Appropriate Public Education (FAPE) at no expense to the parents. If the parent rejects the proposed IEP, the student may be eligible to receive services through an Individualized Service Plan (ISP) based upon allocated set-aside expenditures for the fiscal school year. In collaboration with local/private/homeschool constituents, NPS annually determines what designated services these students may receive as a private parochial or homeschooled student. An individualized Service Plan (ISP) will be developed and proposed by designated school staff in conjunction with parental participation.

Individual Services Plan (ISP)²⁶

An ISP must be proposed for students found eligible as a student with a disability whose proposed or last agreed upon IEP indicates a need for Speech and Language Services. This applies to students whose parents have opted for them to be enrolled in a private, parochial, or homeschool setting. The parent must receive a Notice of Individual Services Plan (ISP) Meeting that includes the purpose, date, time, location of the meeting, and who will be attending. The ISP committee includes the NPS Representative, Speech Therapist, and other representatives from the school. If a representative from the school is unable to attend, other methods must be used to ensure participation.

The Individual Services Plan must include:

- Meeting Participants must be listed on the cover of the ISP
- The student's present level of academic and functional performance

²⁶ At the meeting, parent(s) should receive a copy of the Children with Disabilities Enrolled by Their Parents in Private School: [Information for Parents](#).

- Annual goal/objectives related to the disability-based needs of the student
- Therapy services to include the start and end dates therapy services will be provided²⁷
- Prior to implementing the ISP, the ISP team must obtain parent/guardian consent. **If parental consent is not granted, services CANNOT be provided to the student.**

MEDIATION²⁸ (8VAC20-81-190)

Mediation is a voluntary special education process in which a mediator assists in negotiating issues arising under IDEA, including those affecting a child in special education. The mediator is a neutral third-party, not an advocate for any parties involved.

The parent(s)/guardian(s) of a child with a disability or an adult student must be informed of the mediation option to resolve disputes including the identification, evaluation, or educational placement and services of the child, the provision of a free appropriate public education to the child, and matters arising prior to the filing of a state complaint or request for a due process hearing. This process must be a joint request to VDOE from NPS and the parent(s)/guardian(s) or the adult student.

The NPS Representative must forward the completed mediation request to their assigned school's Senior Coordinator.

DUE PROCESS HEARING (8VAC 20-81-210)

A parent(s)/guardian(s), adult student or NPS staff may file a notice requesting a Due Process Hearing when a disagreement arises regarding the student's identification; evaluation; educational placement and services; and/or provision of a Free Appropriate Public Education (FAPE).

- A hearing officer shall be appointed within 5 business days of the request for a hearing and the hearing will be completed within 45 calendar days.
- An expedited due process hearing (20 calendar days) is held if the parent or NPS disagrees with certain disciplinary actions.
- Within 15 calendar days of receiving Notice for a Due Process hearing, the NPS staff shall convene a meeting with the parent(s)/guardian or adult student and other relevant members who have specific knowledge of the facts in the notice. This meeting is a

²⁷ Speech/Language Therapy and Transportation (if required)

²⁸ Information is provided in the Procedural Safeguards Notice. Contact Learning Support – Special Education Services for specific instructions. [Your Family's Special Education Rights](#)

Resolution Session. If both parties agree to the Resolution Session, the 45 day timeline is suspended.

- The Notice must be filed within 2 years of the date the parent(s)/guardian, adult student, or NPS knew about the alleged action that forms the basis of the request.

STUDENTS WITH DISABILITIES RESIDING IN A STATE-OPERATED PROGRAMS (8VAC20-81-110)

Norfolk Public School shall ensure that all children with disabilities aged two to 21, inclusive, residing in that school division have a right to a free appropriate public education. This includes children with disabilities who are incarcerated for 10 or more days in a regional or local jail in its jurisdiction.

DISCIPLINE PROCEDURES (8 VAC 20-81-160)

A student with a disability is entitled to the same due process rights that all students are entitled to under the Code of Virginia and the Norfolk Public School disciplinary policies and procedures. If the student's behavior impedes the student's learning or that of others, the IEP team must consider the use of positive behavioral interventions, strategies, and supports to address the behavior.

The IEP team must conduct a functional behavioral assessment²⁹ and determine the need for a behavioral intervention plan³⁰ to address the student's behavioral needs.

Short-term Suspensions

A short-term removal is for a period of time up to 10 consecutive school days or 10 cumulative school days in a school year. This does not constitute a change in placement, and consequently, the student is subject to normal discipline guidelines whether or not there is a causal connection between the student's disability and the misconduct. Placement of a student in In-School Suspension is considered a short-term suspension, **UNLESS** specially designed instruction is provided for the student to access the general education curriculum. A suspension of bus privileges resulting in a student's absence from school is considered a short-term suspension. If the parent elects to provide alternative transportation during the suspension of bus privileges, it is not considered a short-term suspension. For additional short-term removals, which do not constitute a pattern, NPS shall provide services to the extent determined necessary to enable the student to continue to participate in the general education curriculum and to progress towards meeting the IEP goals. School personnel, in consultation with the student's special education teacher, will make the service determinations.

²⁹ [Functional Behavior Assessment procedures](#)

³⁰ [Behavior Intervention Plan Procedures](#)

Long-term Suspensions and Services

A long-term suspension is more than 10 consecutive school days out of school. When disciplinary action involving long-term suspension of a student with a disability is being considered, a determination must be made as to whether or not a direct or substantial relationship exists between the student's disability and the misconduct. This determination must be made by a properly composed IEP Team after the review of all of the relevant information and before the student may be removed from the school setting beyond the 10 consecutive or cumulative days in a school year. A Manifestation Determination Review (MDR) is required. School personnel may remove a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, **but not for more than 45 days** (see Special Considerations) without regard to whether the behavior is determined to be a manifestation of the student's disability. On the date on which the decision is made to employ a long term removal of the student due to a violation of the code of conduct, NPS shall notify the parent(s) of the decision and provide the parent(s) with the procedural safeguards. The discussion and conversation about placement must be documented when the behavior is found to be a manifestation of the student's disability.

A student with a disability who has a long-term disciplinary removal must:

- Continue to receive educational services so as to enable the student to continue to participate in the general educational curriculum, although in another setting;
- Continue to receive services and modifications including those described in the student's current IEP that enable the student to progress toward meeting the IEP goals; and
- Receive, as appropriate, a functional behavior assessment (FBA) and behavioral intervention plan (BIP) or services and modifications that are designed to address the behavior violation so that it does not recur.

Special Circumstances

If, on school premises or at a school function under the jurisdiction of Norfolk Public Schools or the Virginia Department of Education, a student:

- carries or possess a weapon;
- knowingly possess or uses illegal drugs or sells or solicits the sale of controlled substance; or
- inflicts serious bodily injury upon another person, school personnel, the school personnel must contact Student Support Services and the assigned Senior Coordinator with Learning Support – Special Education Services.

A student may receive a long-term suspension of **45 days** or more under these conditions.

[Functional Behavior Assessment \(FBA\)](#)³¹

The purpose of the Functional Behavior Assessment (FBA) is to determine the function(s) that contribute to behavior(s) that impede the learning of the student with a disability or the learning of the student's peers. An FBA is required when **5 days** of Out of School Suspension has been accumulated. An FBA can be conducted with consent before the required 5 days of Out of School Suspension.

What is an FBA?

- A process to determine the underlying cause or function(s) of a student's behavior.
- A functional behavior assessment may include a review of existing data or new testing data or evaluation as determined by the IEP team.
- A set of assessment procedures used to identify the purpose (function) of a behavior.
- The goal of an FBA is to gather information about factors that reliably predict and maintain behavior.

When is an FBA Required?

- When the student has accumulated five (5) days of out-of-school suspension or any time before the required 5 days with parental consent.
- When it is determined in a manifestation determination review (MDR) that a student's behavior is related to his or her misconduct.
- When an FBA was not conducted before the misconduct that resulted in a change in placement.
- When the Special Education Committee (SEC) requests an FBA as part of the Initial Evaluation or Reevaluation process.

What type of data is needed for an FBA?

- There must be at least three observations conducted in three different settings.
- Location/Setting
 - Special education classroom (self-contained)

³¹ [Functional Behavior Assessment Procedures](#)

- Resource classroom
- General education classroom
- Cafeteria
- Transitions
- Data collection methods
 - Antecedent Behavior Consequence (ABC) Recording
 - Setting events
 - Latency Recording
 - Duration Recording
 - Level System
 - Event Recording
 - Student Behavior Feedback (Interview)
- Records Reviewed
 - Cumulative record
 - Academic
 - Discipline
 - Student Assistance Team (SAT) notes
 - Special Education Committee (SEC) notes
 - Related service reports
 - Medical Reports
 - Psycho-educational reports
 - Social history
 - Previous interventions
 - Notes from parents
 - Private agency reports
 - Public agency reports

Team members must be identified by specific title and what their responsibility will be for data collection (i.e. Case manager, Collaborative Special Education teacher). If the review of existing data does not describe the function of the behavior as it relates to the misconduct, the team is required to collect **10 days of data**.

There are two situations in which the IEP team may complete the FBA process. The team will complete the process docs in a different order based on the decision for additional information.

- Situation 1: The FBA process will be completed in one meeting if the team is reviewing existing data and can determine the function(s) of the behavior.
*Please note: collected data must clearly determine the function of the behavior(s).
- Situation 2: The FBA process will be completed in two separate IEP meetings if existing data does not include adequate information to determine the function(s) of the behavior.

[BEHAVIORAL INTERVENTION PLAN \(BIP\)](#)³²

Using the FBA results, the IEP team must determine if a BIP is needed to address the student's behavior. The BIP must be developed from the FBA results, identifying the target and desired/alternative behaviors. The plan utilizes positive behavioral interventions and supports to address behaviors that interfere with the learning of students with disabilities, the learning of others, or behaviors that require disciplinary action.

The following are guidelines for the development of the BIP.

- Designed to neutralize or eliminate the effect of setting events.
- Designed to prevent the problem behavior from occurring.
- Designed to teach alternative and desired behaviors.
- Designed to increase alternative and desired behaviors and decrease problem behaviors.

[MANIFESTATION DETERMINATION REVIEW \(MDR\)](#)^{33, 34}

A Manifestation Determination Review (MDR) is a process to review all relevant information and the relationship between a student's disability and the behavior subject to disciplinary action. A MDR must be held no later than the 11th cumulative or

³² [Behavior Intervention Plan Procedures](#)

³³ [Appendix C: MDR Checklist](#)

³⁴ [Manifestation Determination Review Procedures](#)

consecutive school day after removing a student with a disability for disciplinary reasons, and prior to every disciplinary action thereafter.

For each manifestation, the following procedures must be implemented:

- Notify the parent(s)/guardian/adult student of the action no later than the date the decision is made to take disciplinary action.
- Schedule a MDR with IEP Team participants no later than 5 school days from the date the decision to recommend disciplinary action is made.
- Discuss how services will be provided for short/long term removals.
- At the meeting, the NPS Rep must ensure that the student has been provided the same due process rights as the student's non-disabled peers.
- Specific description of the behavior relative to the misconduct must be shared with all team participants. The team must consider the student's actions and behaviors related to the misconduct, not solely the Code of Conduct violation.
- Review the student's cumulative records including the eligibility/Re-evaluation minutes, evaluation reports, reports from outside agencies, discipline records, chronic health information, behavioral intervention plans (BIP), and the student's IEP.
- The team must consider relevant information provided by the parent.

APPEAL

If the student's parent(s)/guardian or the adult student disagrees with the determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding placement under these disciplinary procedures, the parent(s)/guardian or adult student may request an expedited due process. This information should be documented on the Meeting Summary page and the NPS Rep must immediately contact the assigned Senior Coordinator. The student must remain in the interim alternative educational setting pending the outcome of the appeal.

RESTRAINT PROCEDURES

NOTIFICATION AND REPORTING OF PHYSICAL RESTRAINT ³⁵ (8VAC20-750)

NPS School Board Policy relating to Restraint of Students ([Norfolk City School Board Policy JMZ](#)) requires development of procedures for incident notification and reporting. The primary advantage of the regulation is a lessened risk of injury or other trauma, increased communication with parents, and more proactive consideration and implementation of positive

³⁵ [NPS Physical Restraint Incident Documentation](#)

behavioral interventions. The advantage to the LEA is the ability to collect additional data regarding behavioral interventions in school settings.

Physical restraint may only be used by NPS staff for the purpose of behavioral intervention in accordance with the policy and the *Virginia Board of Education Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia* (8VAC20-750). The School Board encourages the use of positive behavioral interventions and supports (PBIS) to reduce and prevent the need for the use of physical restraint. Physical restraint is only to be used in emergency situations when other interventions are, or would be, ineffective based on the reasonable judgment of the staff implementing a physical restraint.

In the event a student is restrained, review the [NPS' Physical Restraint Guidance Document](#) information and complete the incident report form using the following link: [NPS Physical Restraint Incident Documentation](#).

When any student has been physically restrained, the school personnel involved shall report the incident and the use of any related first aid to the school principal or the principal's designee as soon as possible by the end of the school day in which the incident occurred. The school principal, principal's designee, or other school personnel shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, or other means of communication authorized by the parent (i.e. email). Notification of the incident or any related first aid must be reported to the parent on the day of the incident.

When any student has been physically restrained after the regular school day, the above notification requirements shall be made as soon as practicable in compliance with the NPS school crisis, emergency management, and medical emergency response plans. Practicable notification and reporting shall not exceed two school days after an incident in which the physical restraint has been implemented. The school personnel involved in the incident or other school personnel, as may be designated by the principal, shall complete and provide to the principal or the principal's designee, the *NPS Physical Restraint Incident Documentation*. NPS must provide the parent a copy of the incident report within seven calendar days of the incident.

Debriefing

1. Following an incident of physical restraint, the school division shall ensure that, within two school days, the principal or designee reviews the incident with all school personnel who implemented the use of physical restraint to discuss:
 - a. Whether the use of restraint was implemented in compliance with this document and local policies; and
 - b. How to prevent or reduce the future need for physical restraint.
2. As appropriate depending on the student's age and developmental level, following each incident of physical restraint NPS must ensure that, as soon as practicable, but no later

than two school days or upon the student's return to school, the principal or designee shall review the incident with the student(s) involved to discuss:

- a. Details of the incident in an effort to assist the student and school personnel in identifying patterns of behaviors, triggers or antecedents; and
- b. Alternative positive behaviors or coping skills the student may utilize to prevent or reduce behaviors that may result in the application of physical restraint.

The principal or designee shall regularly review the use of physical restraint to ensure compliance with school division policy and procedures. When there are multiple incidents within the same classroom or by the same individual, the principal or the principal's designee shall take appropriate steps to address the frequency of use.

Accountability: Documenting Multiple Uses of Restraint

1. In the initial development and subsequent review and revision of a student's IEP or Section 504 plan, the student's IEP or Section 504 team shall consider whether the student displays behaviors that are likely to result in the use of physical restraint. If the IEP or Section 504 team determines that a future use is likely, the team shall consider, among other things, the need for: (i) an FBA; (ii) a new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; (iii) any new or revised behavioral goals; and (iv) any additional evaluations or reevaluations.
 - a. Within 10 school days following the second school day in a single school year on which an incident of physical restraint has occurred, the student's IEP or 504 team shall meet to discuss the incident and to consider, among other things, the need for: (i) an FBA; (ii) a new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; (iii) any new or revised behavioral goals; and (iv) any additional evaluations or reevaluations.
2. For students not described in number 1, within 10 school days of the second school day in a single school year on which an incident of physical restraint has occurred, a team consisting of the parent, the principal or the principal's designee, a teacher of the student, school personnel involved in the incident (if not the teacher or administrator already invited), and other appropriate school personnel, such as a school psychologist, school counselor, or school resource officer, as determined by the school division, shall meet to discuss the incident and to consider, among other things, the need for: (i) an FBA; (ii) a new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; and (iii) a referral for evaluation.

3. Nothing in this section shall be construed to (i) excuse the team or its individual members from the obligation to refer the student for evaluation if the team or members have reason to suspect that the student may be a student with a disability; or (ii) prohibit the completion of an FBA or BIP for any student, with or without a disability, who might benefit from these measures but whose behavior has resulted in fewer than two incidents of physical restraint in a single school year.

Annual Reporting

The principal or the principal's designee shall submit to the division superintendent a report on the use of physical restraint. The final process for submission will be provided by the Chief Schools Officer. The division superintendent shall annually report the frequency of such incidents to the Superintendent of Public Instruction on forms that shall be provided by the Department of Education. Such information will be available to the public.

Training

The level one training requires all school division personnel to receive initial training regarding the regulations, policies, and procedures governing the use of physical restraint. This is a free online training course that is offered in a series of five modules at [ODU VDOE](#) and fulfills the requirements detailed in the regulations. The modules should be completed in order and are followed by a cumulative quiz that will earn the participant a certificate of completion that must be submitted to the principal (or designee) or immediate supervisor by the last day of November.

The advanced training in the use of physical restraint, level two, is required for at least one administrator of each school building and for school personnel assigned to work with any student whose IEP or Section 504 team determines the student is likely to be restrained. NPS will ensure trainers from the Departments of Learning Support and Student Support Services participate in an evidenced based intervention that focuses on safe management of aggressive behaviors. These trainers will conduct the annual level two training to all school personnel as required by the regulation no later than the first quarter of each school year and/or in accordance with annual training renewal timelines for individuals.

HANDBOOKS

1. *Early Childhood Special Education Resource Guide*

2. *District-Wide AUT/ID/MD Program*

3. *Career Development Program*

4. *Assistive Technology Handbook*
 - a. *Parent/Student Agreement - Privately Owned Augmentative and Alternative Communication (AAC) Device*

APPENDICES

APPENDIX A: CASE MANAGER RESPONSIBILITIES

Case Manager Responsibilities

The IEP case manager has the responsibility of coordinating the student's educational program and must be familiar with all IEP requirements.

Students who qualify for special education services shall receive the services from a special education teacher. As appropriate, general education qualified personnel who are knowledgeable about students with disabilities and their special education program are required to implement special education services in collaboration with the special education personnel. All staff involved in the IEP process must be familiar with the procedural safeguards that govern IEP development and implementation.

By law, the IEP must be:

- Developed by a properly composed IEP team;
- Developed within 30 calendar days of an initial determination of eligibility for special education;
- Developed within 30 calendar days of a Reevaluation that requires a change in the student's educational program;
- Reviewed at least annually;
- In effect before special education and related services are provided;
 - In effect prior to the first day of school each year; and
- Amended prior to any changes in the student's level of service or placement by a properly composed IEP team.

Case managers must:

- Ensure the parent/guardian/adult student is invited to every IEP meeting and afforded the opportunity to participate;
- Schedule the meeting at a mutually agreed upon time and place allowing the parents/guardians/adult student sufficient time to make arrangements to attend the meeting;
- Provide written notice of the meeting to the parents;
- Provide written notice of the meeting to the student, if appropriate;
- Provide a copy of the Parental Rights and Procedural Safeguards for Special Education at least annually (usually at the initial or Annual Review IEP meeting) or whenever the parent(s)/guardian/adult student requests a copy.
 - A copy of the procedural safeguards available to the parent(s)/guardian of a student with a disability or adult student must be given to the parent(s)/guardian or adult student by NPS only one time a school year, except that a copy must be given to the parent(s)/guardian or adult student upon:
 - Initial referral for/or parent request for evaluation

- If the parent requests an additional copy
 - Receipt of the first state complaint during a school year
 - Receipt of the first request for a due process hearing during a school year; and
 - On the date on which the decision is made to make a disciplinary removal that constitutes a change in placement because of a violation of a code of student conduct.
- Document efforts to ensure parents' participation;
- Conduct an annual review of the IEP;
- Schedule Reevaluation (SEC) meetings;
- Collaborate with all service providers and the general education teacher(s);
- Ensure the IEP is accessible to each general and special education teacher, as well as, related service personnel and other providers who are responsible for implementing the IEP;
- Collect data on each goal, record progress on the IEP at each interim, and provide a printed copy to parents at each interim (8 times per year);
- Communicate with and ensure general education teachers are aware of and understand the student's instructional and testing accommodations;
- Ensure all accommodations are implemented in the classroom daily;
- Provide testing information and accommodations to the school test chairperson;
- Communicate testing accommodations to examiners, test chairs, and administrators prior to testing schedules; and
- Organize the student's permanent scholastic record according to NPS guidelines.

A copy of the IEP must be filed in the student's permanent scholastic record and a copy must be given to the parent/guardian/adult student. A copy of the student's annual goals, accommodations, and/or an "IEP at a Glance" form must be provided to the general education teacher(s). This shared information must be documented. Further, special education teachers must communicate with and ensure the general education teacher(s) understands each student's annual goals. It is the responsibility of the IEP case manager to notify all related service providers that an IEP meeting was held and that all updated information is available in Synergy SE.

[Additional Responsibilities](#)

The case manager must plan in advance for the unique needs of the parents to ensure full participation in the IEP meeting (e.g. arranging for an interpreter for parents/guardians with a hearing impairment, arranging for an interpreter who speaks the native language of the parents/guardians).

To ensure a Free and Appropriate Public Education (FAPE), the Department of Learning Support-Special Education Services (Learning Support) has made the Rethink Education: Skills & Behavior Success (Rethink) platform available to all special education teachers

and related service providers for the purposes of collecting IEP data and monitoring and reporting progress.

[ReThink Education](#)

When utilized with fidelity, Rethink Education provides special education teachers with tools and supports to track student progress through the development and reporting of specific, measurable, achievable, relevant, and timebound (SMART) goals and objectives. This includes access to easily interpreted and communicated graphs, charts, etc. based on data collected in order to share student progress towards IEP goals/objectives to colleagues, other IEP team members, and parents/guardians.

The Department of Learning Support's move towards the use of a division-wide data collection tool for progress monitoring and reporting of IEP goals and objectives is a requirement. IEP data collection and implementation with fidelity is expected.

Failure to implement a FAPE is non-compliant with the IEP.

[IEP at a Glance](#)

Case managers are required to complete an "IEP at a Glance" for each student on their caseload at the beginning of the year and at each subsequent IEP meeting where changes are made. After a change in the IEP, the "IEP at a Glance" should be updated and distributed within 24 hours of consent. It should be distributed by the case manager to relevant personnel. This can include, but is not limited to general education teachers, special education teachers, resource teachers, paraprofessionals, etc.

For clarification in developing the "IEP at a Glance" document and to access the guidance document, please reference the *IEP at a Glance Guidance Document* using the following link:

[IEP at a Glance Guidance Document](#).

APPENDIX B: GUIDANCE FOR MORE RESTRICTIVE PLACEMENTS

This guidance document is intended to support the IEP process when determining the educational placement of a student with a disability. To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled. In considering the continuum of placements, the least restrictive environment (LRE) for some students may require removal from the general educational environment. Due to the nature or severity of the disability, education in the general classroom, with the use of supplementary aids and services, may not be satisfactorily achieved.

Procedures for the Public-School District-Wide Program and SECEP classroom

- Conduct an IEP meeting to discuss the significant difficulties in the current placement. Document the interventions, strategies, and outcomes. Obtain a Permission to Evaluate and select “Observation”. Ensure this information is documented in the Prior Written Notice (PWN).
- Send an email to your school’s Senior Coordinator and include the student number and overview of the request. This email must be sent within 24 hours of the meeting.
- An acknowledgement email should be received within 48 hours with the projected date of the observation. If a follow up email is not received within 48 hours, call Learning Support at 757-628-3950 with the verbal information that was forwarded in the email.
- After completion of the observation, conduct another IEP meeting to discuss the observation, LRE, and placement. Other provisions may be warranted as determined by the IEP team. The team must include a Learning Support Teacher/Program Specialist.
- If the IEP team determines that a more restrictive setting placement in the district-wide program or a SECEP classroom is required, next steps will be communicated by the Learning Support Teacher/Program Specialist **or** the SECEP packet must be completed and forwarded to the school’s Specialist within 3 business days.

Procedures for the Public-School Site-Based Program

- Conduct an IEP meeting to discuss the significant difficulties in the current placement. Document the interventions, strategies, and outcomes. Obtain a Permission to Evaluate and select “Observation”. Ensure this information is documented in the Prior Written Notice (PWN)
- Send an email to your school’s Senior Coordinator and include the student number and overview of the request. This email must be sent within 24 hours of the meeting.
- An acknowledgement email should be received within 48 hours with the projected date of the observation. If a follow up email is not received within 48 hours, call Learning Support at 757-628-3950 with the verbal information that was forwarded in the

email. After completion of the observation, conduct another IEP meeting to discuss the observation, LRE, and placement. Other provisions may be warranted as determined by the IEP team. The team must include a Learning Support Teacher/Program Specialist.

Procedures for Public Separate School (SECEP Center-based Only)

- Conduct an IEP meeting to discuss the significant difficulties in the current placement. Document the interventions, strategies, and outcomes. Complete the SECEP request form and select "Observation" on the obtained Permission to Evaluate form. Also, obtain consent for the Consent to Exchange Information. Ensure this information is documented in the Prior Written Notice (PWN).
- Forward the completed documents via email to the school's Senior Coordinator. This email must be sent within 24 hours of the meeting.
- An acknowledgement email should be received within 48 hours. If a follow-up email is not received within 48 hours, call Learning Support at 757-628-3950 with the verbal information that was forwarded in the email.
- A representative of SECEP (or liaison) will conduct an observation and provide feedback to the IEP team. An IEP meeting, including the Learning Support Teacher Specialist or Senior Coordinator, should be held immediately following the feedback.
- If the IEP team determines that a more restrictive setting placement to SECEP is required, the SECEP packet must be completed and forwarded to the school's assigned Specialist within 3 business days.

Procedures for the Private Day, Private Residential, and Public Residential

- Conduct an IEP meeting to discuss the significant difficulties in the current placement. Document the interventions, strategies, and outcomes. Select "Observation" on the Permission to Evaluate form and obtain parental consent. Also complete the Consent to Exchange Information form and obtain the required signature. Ensure this information is documented in the Prior Written Notice (PWN).
- Send an email to your school's Senior Coordinator and include the student number for the request. This email must be sent within 24 hours of the meeting.
- A response acknowledging receipt of the email should be received within 48 hours. If a follow up email is not received within 48 hours, call Learning Support at 757-628-3950 with the verbal information that was forwarded in the email.
- A representative of the Private Day School (or liaison) will conduct an observation and provide feedback to the IEP team. This feedback will include whether the student is accepted to the facility.
- An IEP team meeting, including Learning Support Specialist or Senior Coordinator, should be held immediately following the feedback. A representative of the proposed private school or facility attends the meeting. If the representative cannot attend, other

methods must be explored to ensure participation by the private school or facility, including individual or conference telephone calls.

- If the IEP team determines that a more restrictive setting placement to a Private Day School is required, the Family Assessment and Planning Team (FAPT) packet must be completed and forwarded to the school's assigned specialist within 3 business days. The packet checklist and other required documents will be provided by the Learning Support personnel.

Procedures for [Homebound Instruction](#)

- The school's liaison will be contacted upon approval or denial of the [Medical Application](#) for Homebound services. (If the application is denied, no further actions will be required.)
- The case manager will conduct an IEP meeting upon approval to discuss the type and amount of services, goals, and change of placement.
- The case manager must notify the assigned Learning Support Teacher Specialist for Homebound via email once parental consent for the proposed IEP changes has been obtained.
- The Teacher Specialist will notify the school's liaison regarding the homebound assignment.
- The case manager must consult with the assigned homebound teacher and any other professionals at least quarterly to plan for the student's educational needs and ultimate return to school.

Procedures for [Homebased Instruction](#)

- When conducting the meeting to discuss a more restrictive setting, the IEP team may consider if homebased services, not to exceed 10 school days, are required pending placement.
- If the team determines the services are needed, service amount and placement must be included in the service delivery section of the IEP and a Homebased referral form must be completed.
- The case manager must submit the completed form and a copy of the IEP within 24 hours of the meeting.

Appendix C: MDR Checklist

Manifestation Determination Checklist
<p><i>Prior to the Meeting</i></p> <p><u>Disciplinary School Personnel Responsibility (Administrator or Dean of School Building)</u></p> <ul style="list-style-type: none">● Due process provided to the student by the designated school administrator or dean.● Parent notified by the school disciplinary personnel● Suspension notice forwarded to the parent and case manager or NPS Rep● Case Manager or NPS Rep contacted to schedule the MDR meeting <p><u>Case Manager Responsibilities</u></p> <p>IEP meeting notice for the MDR provided to the parent along with the <i>Virginia Procedural Safeguards Notice Your Family's Special Education Rights</i></p>
<p><i>Beginning of the Meeting</i></p> <p><u>The Case Manager will:</u></p> <ul style="list-style-type: none">● Ensure the team is composed of the required participants. If the student has an Emotional Disability, one of the participants must be the School Psychologist● Confirm parent received the IEP Meeting notice and procedural safeguards● Ensure the student cumulative record is present● Provide an overview purpose of the MDR meeting including the description of the behavior and incident and the process that will be followed● Obtain signatures of the IEP team participants
<p><i>During the Meeting</i></p> <p><u>The Case Manager will:</u></p> <ul style="list-style-type: none">● Share and discuss the documents reviewed with all team participants (e.g. eligibility, IEP, etc.)● Encourage team collaboration <p><u>The NPS Rep will:</u></p> <ul style="list-style-type: none">● Record the team's discussion identifying each document considered/reviewed and specific relative findings in the Meeting Summary
<p><i>End of the Meeting</i></p> <p><u>The Case Manager will:</u></p> <ul style="list-style-type: none">● Summarize the information recorded on the Meeting Summary and collaborate with the team to make the manifestation determination● Complete the PWN with a detailed description of and justification for all proposals and refusals considered by the IEP team

What to do if there is no consensus? *The NPS Rep makes the final decision. However, the following steps are required when members do not agree.*

When a team member other than the parent disagrees? *The team member should provide written documentation outlining his/her position as it relates to the MDR findings. The written letter must be provided to the NPS Rep and forwarded to the school's Senior Coordinator within 2 business days of the MDR meeting.*

When the parent disagrees? *The NPS Rep must refer the parent to page 36 of the Your Family's Special Education Rights and immediately send an email to the Senior Coordinator and Teacher Specialist of the school.*

APPENDIX D: PWN Instances Checklist

Checklist of Instances Where Prior Written Notice Is Required

IDENTIFICATION	YES	NO
Child Find activities		X
Screening		X
School-based team activities		X
Use of intervention strategies (i.e., Response to Intervention (RTI), Tiered instructional model)		X
Referral for initial evaluations	X	
EVALUATION		
Collection of new data for initial evaluation and reevaluation	X	
Review of existing data		X
Evaluation of progress on the annual goals		X
Administration of statewide or division-wide assessments		X
Request for an Independent Educational Evaluation (IEE)	X	
Refusal of request for an IEE	X	
Determination of eligibility upon completion of an initial evaluation or reevaluation	X	
Eligibility issues	X	
Refusal to conduct an evaluation	X	
Observation for evaluation purposes	X	
Observation by related service providers, teachers, others as part of daily duties and activities		X
Evaluations used in the performance of a Functional Behavioral Assessment (FBA)	X	
EDUCATIONAL PLACEMENT		
Initial educational placement into special education	X	
Relocation of the special education program		X
Any change in educational placement/least restrictive environment	X	
Termination of special education and related services	X	
Transfer of student to another school or division		X
Graduation with a regular diploma	X	
Disciplinary removal for more than 10 consecutive school days	X	
Disciplinary removal for no more than 10 school days		X
A change in placement due to a series of disciplinary removals that constitute a pattern of removal	X	
Disciplinary removal to an interim alternative educational setting (IAES) for not more than 45 school days	X	
PROVISION OF FAPE		
Deletion or addition of a related service	X	
Change in annual goals on an existing IEP	X	
Increase or decrease in special education services or related services	X	
Change in how a student will participate in statewide and division-wide assessments	X	
Any revision of the IEP	X	
Increase or decrease in supplementary aids and services or supports to school personnel listed in the child's IEP	X	
Refusal to increase or decrease related service	X	
Consideration of ESY	X	
Implementation of a Behavioral Intervention Plan (BIP)	X	

NOTE: This checklist should be seen as a guide and not as an exhaustive list