



BOARD POLICY 342.1

Administrative Rule 342.1

Model Local Educational Agency

Special Education

Policies and Procedures



Wisconsin Department of Public Instruction

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Preface

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

The state special education statutes, Subchapter V, Chapter 115, Wis. Stats., incorporate the statutory provisions of Part B of the IDEA. Local educational agencies in Wisconsin must also comply with IDEA's regulations. Therefore, the model policies and procedures are derived primarily from Wisconsin special education statutes and IDEA regulations. A small number of policies and procedures are derived from Wisconsin special education rules, chapter PI 11, Wis. Admin. Code. Because specific model policies and procedures frequently contain language from more than one legal source, citations are not provided. The underlying law can be found by using the following tools:

1. the index to the IDEA Regulations found at Appendix B to 34 CFR Part 300, beginning on page 12481;
2. the table of contents of the state special education statute, Subchapter V, Chapter 115, Wis. Stats.; and
3. the table of contents for the state special education rules, Chapter PI 11, Wis. Admin. Code.

Definitions

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

· "Assistive technology device" means any item, piece of equipment or product system that is used to increase, maintain or improve the functional capabilities of a child with a disability.

· "Assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device, including all of the following:

Ø evaluating the needs of the child, including a functional evaluation of the child in the child's customary environment;

Ø purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by children;

Ø selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing of assistive technology devices;

Ø coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitative plans and programs;

Ø training or technical assistance for the child or, if appropriate, the child's family; and

Ø training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers or other individuals who provide services to, employ or are otherwise substantially involved in the major life functions of that child.

· "Business day" means Monday through Friday, except for federal and state holidays unless holidays are specifically included in the designation of business day.

· "Child" means any person who is at least three years old but not yet 21 years old and who has not graduated from high school and, for the duration of a school term, any person who becomes 21 years old during that school term and who has not graduated from high school.

- "Child caring institution" means a child welfare agency licensed under § 48.60, Wis. Stats.

- "Child with a disability" means a child who, by reason of any of the following, needs special education and related services:
 - Ø cognitive disabilities;
 - Ø hearing impairments;
 - Ø speech or language impairments;
 - Ø visual impairments;
 - Ø emotional disturbance;
 - Ø orthopedic impairments;
 - Ø autism;
 - Ø traumatic brain injury;
 - Ø other health impairments; and/or
 - Ø learning disabilities.

If the local educational agency determines through an appropriate evaluation that a child has one of the impairments listed above but only needs a related service and not special

education, the child is not a child with a disability. "Child with a disability" may, at the discretion of the local educational agency and consistent with Department of Public Instruction rules, include a child who, by reason of his or her significant developmental delay, needs special education and related services.

- "Consent" means:



Ø the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

Ø the parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

Ø the parent also understands the granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive (i. e. it does not negate an action that has occurred after the consent was given and before the consent was revoked).

· "Controlled substance" means a drug or other substance identified under schedules I, II, III, IV, V in section 202(c) of the Controlled Substance Act [21 U.S.C. 812(c)].

· "Day" means calendar day unless otherwise indicated as business day or school day.

· "Destruction," as used in the section on confidentiality in these policies, means physical destruction or removal of personal identifiers from information so the information is no longer personally identifiable.

· "Division" means the Division for Learning Support: Equity and Advocacy in the Department of Public Instruction.

· "Education records" means the type of records covered under the definition of "education records" set forth in the regulations implementing the Family Educational Rights and Privacy Act of 1974.

· "Evaluation" means procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.

· "Extended school year services" means special education and related services that are provided to a child with a disability and meet the standards of the State of Wisconsin. These services are

provided beyond the normal school year of the local educational agency, in accordance with the child's individualized education program, and at no cost to the parents of the child.

- "Free appropriate public education" means special education and related services that are provided at public expense and under public supervision and direction, meet the standards of the Department of Public Instruction, include an appropriate preschool, elementary or secondary school education and are provided in conformity with an individualized education program.
- "General curriculum" means the same curriculum as for nondisabled children.
- "Hearing officer" means an independent examiner appointed to conduct hearings under § 115.80, Wis. Stats.
- "Illegal drug" means a controlled substance but does not include such a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under that Act or under any other provision of federal law.
- "Include" means the items named are not all of the possible items that are covered whether like or unlike the ones named.
- "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.
- "Individualized educational program" means a written statement for a child with a disability that is developed, reviewed and revised in accordance with § 115.787, Wis. Stats.
- "Local educational agency," except as otherwise provided, means the school district in which the child with a disability resides, the Department of Health and Family Services if the child with a disability resides in an institution or facility operated by the Department of Health and Family Services, or the Department of Corrections if the child with a disability resides in a Type 1 secured correctional facility, as defined in § 938.02(19), Wis. Stats., or a Type 1 prison, as defined in § 301.01(5), Wis. Stats.

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

· "Nonacademic and extracurricular services and activities" may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities and employment by the public agency and assistance in making outside employment available.

· "Parent" means any of the following: a biological parent; a husband who has consented to the artificial insemination of his wife under § 891.40; a male who is presumed to be the child's father under § 891.41; a male who has been adjudicated the child's father under Subch. VIII of Ch. 48, under §§ 767.45 to 767.51, by final order or judgment of an Indian tribal court of competent jurisdiction or by final order or judgment of a court of competent jurisdiction in another state; an adoptive parent; a legal guardian; a person acting as a parent of a child; a person appointed as a sustaining parent under § 48.428; or a person assigned as a surrogate parent under § 115.792(1)(a)2; a foster parent, if the right and responsibility of all of the aforementioned individuals to make educational decisions concerning the child has been extinguished by termination of parental rights, by transfer of guardianship or legal custody or by other court order; the foster parent has an ongoing, long-term parental relationship with the child; the foster parent is willing to make educational decisions required of parents under special education law; and the foster parent has no interests that would conflict with the interests of the child.

"Parent" does not include any person whose parental rights have been terminated; the state or a county or a child welfare agency if a child was made a ward of the state or a county or child welfare agency under Ch. 880 or if a child has been placed in the legal custody or guardianship of the state or a county or a child welfare agency under Ch. 48 or Ch. 767; or an American Indian tribal agency if the child was made a ward of the agency or placed in the legal custody or guardianship of the agency.

· "Person acting as a parent of a child" means a relative of the child or a private individual allowed to act as a parent of a child by the child's biological or adoptive parents or guardian, and includes the child's grandparent, neighbor, friend or private individual caring for the child with the explicit or tacit approval of the child's biological or adoptive parents or guardian. "Person acting as a parent of a child" does not include any person that receives public funds to care for the child if such funds exceed the cost of such care. The local educational agency only permits a foster parent to act as a parent of a child if the natural parents' authority to make educational decisions on the child's behalf has been extinguished under state law; and the foster parent has an ongoing, long-term parental

relationship with the child, is willing to make the educational decisions required of parents under the Act and has no interest that would conflict with the interests of the child.

· "Participating agency" means a state or local agency other than the local educational agency that is financially and legally responsible for providing transition services to the student.

Ø "Participating agency," as used in the section on *Confidentiality of Information* in these policies, means any agency or institution that collects, maintains or uses personally-identifiable information, or from which information is obtained, under the Individuals with Disabilities Education Act.

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

· "Private school children with disabilities" are children with disabilities enrolled by their parents in private schools or facilities.

· "Qualified" means a person has met the Department of Public Instruction-approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which he/she is providing special education or related services.

· "Related services" means transportation and such developmental, corrective and other supportive services as are required to assist a child with a disability to benefit from special education and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training. In this definition:

Ø "Audiology" includes:

- identification of children with hearing loss;

- determination of the range, nature, and degree of hearing loss including referral for medical or other professional attention for the habilitation of hearing;
- provision of habilitative activities such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation and speech conservation;
- creation and administration of programs for prevention of hearing loss;
- counseling and guidance of pupils, parents and teachers regarding hearing loss; and
- determination of the child's need for group and individual amplification, selecting and fitting an appropriate aid and evaluating the effectiveness of amplification.

Ø "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors or other qualified personnel.

Ø "Early identification and assessment of disabilities in children" means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

Ø "Medical services" means services provided by a licensed physician to determine a child's medically-related disability that results in the child's need for special education and related services.

Ø "Occupational therapy" includes:

- improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;
- improving ability to perform tasks for independent functioning if functions are impaired or lost; and
- preventing, through early intervention, initial or further impairment or loss of function.

Ø "Orientation and mobility services" means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community, including:



- teaching students spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (for example, using sound at a traffic light to cross the street);
- teaching students to use the long cane, as appropriate, to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;
- teaching students to understand and use remaining vision and distance low vision aids, as appropriate; and
- other concepts, techniques, and tools, as determined appropriate.

Ø "Parent counseling and training" means assisting parents in understanding the special needs of their child and providing parents with information about child development, and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's individualized education program.

Ø "Physical therapy" means services provided by a qualified physical therapist.

Ø "Psychological services" includes:

- administering psychological and educational tests, and other assessment procedures;
- interpreting assessment results;
- obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
- consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;
- planning and managing a program of psychological services, including psychological counseling for children and parents; and
- assisting in developing positive behavioral intervention strategies.

Ø "Recreation" includes:

- assessment of leisure function;
- therapeutic recreation services;
- recreation programs in schools and community agencies; and
- leisure education.

Ø "Rehabilitation counseling services" means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

Ø "School health services" means services provided by a qualified school nurse or other qualified person.

Ø "Social work services in schools" includes:

- preparing a social or developmental history on a child with a disability;
- group and individual counseling with the child and family;
- working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
- mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- assisting in developing positive behavioral intervention strategies.

Ø "Speech-language pathology services" includes:

- identification of children with speech or language impairments;
- diagnosis and appraisal of specific speech or language impairments;

- referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
- provision of speech and language services for the habilitation or prevention of communicative impairments; and
- counseling and guidance of parents, children, and teachers regarding speech and language impairments.

Ø "Transportation" includes:

- travel to and from school and between schools;
- travel in and around school buildings; and
- specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

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

· "Secondary school" means a nonprofit institutional day or residential school that provides secondary education, as determined under Wisconsin law, except that it does not include any education beyond grade 12.

· "Special education" means specially-designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including:

Ø instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings;

Ø instruction in physical education;

Ø speech-language pathology services, or any other related service, if the service consists of specially-designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, and is considered special education rather than a related service under Wisconsin standards;

- Ø travel training if it consists of specially-designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability; and
- Ø vocational education if it consists of specially-designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

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

Ø "At no cost" means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

Ø "Physical education" means the development of:

- physical and motor fitness;
- fundamental motor skills and patterns; and
- skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

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

Ø "Specially-designed instruction" means adapting content, methodology or delivery of instruction:

- to address the unique needs of an eligible child under this part that result from the child's disability and
- to ensure access of the child to the general curriculum, so he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

Ø "Travel training" means providing instruction, as appropriate, to children with significant cognitive disabilities and any other children with disabilities who require this instruction to:

- enable them to develop an awareness of the environment in which they live and
- learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work and in the community).

Ø "Vocational education" means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

· "Substantial evidence" means beyond a preponderance of the evidence.

· "Supplementary aids and services" means aids, services and other supports that are provided in regular education classes or other education-related settings to enable a child with a disability to be educated with nondisabled children to the maximum extent appropriate.

· "Transition services" means a coordinated set of activities for a student with a disability:

Ø is designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation;

Ø is based on the individual student's needs, taking into account the student's preferences and interests; and

Ø includes:

- instruction;

- related services;
- community experiences;
- the development of employment and other post-school adult living objectives; and
- if appropriate, acquisition of daily living skills and functional vocational evaluation.

· "Weapon" has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

Full Educational Opportunity Goal

It is the goal of the local educational agency to provide full educational opportunity to all children with disabilities in the area served by the local educational agency. The local educational agency has available to all of its children with disabilities the variety of educational programs and services available to nondisabled children in the local educational agency, including: art, music, industrial arts, consumer and homemaking education, and vocational education or any program or activity in which nondisabled children participate. The local educational agency provides nonacademic and extra-curricular services and activities that afford children with disabilities an equal opportunity for participation.

Free Appropriate Public Education

General. All children with disabilities for whom the local educational agency is responsible, including non-resident children attending the local educational agency under the Full-Time Open Enrollment law, § 118.51, Wis. Stats., are provided a free appropriate public education. Special education and related services are provided to all resident children with disabilities, including, as required by 34 CFR § 300.121(d), children with disabilities who have been suspended or expelled from school. Children with disabilities entitled to a free appropriate public education are children age three, but not yet 21 who have not graduated from high school with a regular high school diploma and, for the duration of a school term, persons who become 21 years old during that school term and who have not graduated from high school with a regular diploma. The special education and related services provided to children addresses all of their special education and related services needs.

The local educational agency provides prior written notice of a change in placement consistent with the requirements in the law when a child with a disability graduates from high school with a regular diploma.

The local educational agency ensures that an individualized education program is in effect for each eligible child no later than the child's third birthday. If the child's third birthday occurs during the summer, the child's individualized education program team determines when the individualized education program services will begin.

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

The local educational agency admits a nonresident child if the program is appropriate for the child's disability. When a resident child is refused admittance to another local educational agency, the resident local educational agency ensures that a free appropriate public education is provided to the child. When board and lodging are not furnished to a resident child with a disability, the local educational agency provides transportation, except:

- if there is a plan of transportation under the state statute that authorizes County Children with Disabilities Education Boards, the County Children with Disabilities Education Board provided transportation and

- if the child is a non-resident child attending the local educational agency under the Full-Time Open Enrollment law, the local educational agency provides the transportation.

After a child with a disability has been removed from his or her current placement for more than ten school days in a school year, for any subsequent removals, the local educational agency provides services necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the child's individualized education program goals. These services are provided when school personnel remove a child for not more than ten consecutive school days as long as that removal does not constitute a change of placement. In such a case, school personnel, in consultation with the child's special education teacher, determine the extent of the services.

When the local educational agency conducts a manifestation determination and determines that the behavior at issue is not a manifestation of the child's disability, the local educational agency provides services necessary to enable a child to appropriately progress in the general curriculum and appropriately advance toward achieving the individualized education program goals during a period of removal. In such a case, the child's individualized education program team determines the extent of the services.

The local educational agency provides services consistent with requirements relating to an appropriate interim alternative educational setting, if the removal is:

- for drug or weapons offenses under the law; or
- based on a hearing officer decision that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Hearing Aids. The local educational agency ensures that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.

Physical Education. Physical education services, specially designed if necessary, are made available to every child with a disability. Each child with a disability is afforded the opportunity to participate in regular physical education programs available to nondisabled children unless the child is enrolled full time in a separate facility, or the child needs specially-designed physical education as prescribed in the child's individualized education program.

If specially-designed physical education is prescribed in a child's individualized education program, the local educational agency provides the services directly or makes arrangements for those services to be provided through other public or private programs. The local educational agency ensures that a child with a disability who is enrolled in a separate facility receives appropriate physical education services in compliance with the law.

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

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

Participation in Assessments. Children with disabilities, including non-resident children attending the local educational agency under the Full-Time Open Enrollment law, are included in state-wide and district-wide assessments with appropriate accommodations and modifications if necessary. Those children who cannot participate in state-wide or district-wide assessments participate in alternative assessments. Needed accommodations and modifications or alternate assessments are identified by the individualized education program team and are specified in the child's individualized education program.

Methods of Ensuring a Free Appropriate Public Education. If a public agency, other than an educational agency, fails to meet its obligation under federal or state law or under state policy or interagency agreement to provide or pay for any services that are also considered special education and related services that are necessary for ensuring a free appropriate public education to a child, the local educational agency provides or pays for these services to the child in a timely manner.

The local educational agency may provide special education and related services to children with disabilities who are less than three years of age under an interagency agreement with the county agency responsible for early intervention programs.

When the local educational agency uses Medicaid or other public insurance benefits programs in which a child participates to provide or pay for special education and related services necessary for the child to receive a free appropriate public education as permitted under the public insurance program, the local educational agency does not:

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

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

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



The local educational agency ensures there is no delay in implementing a child's individualized education program including any case in which the payment source for providing or paying for special education and related services to the child is being determined.

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

Public Information

The local educational agency regularly publicizes information about its special education procedures and services. Further, the local educational agency makes available to any person, upon request, all documents relating to the local educational agency's eligibility for state and federal special education funds. Any state or federal aid that is made available to the local educational agency for special education and related services are used by the local educational agency to comply with the requirements of special education law.

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

Child Find

General. The local educational agency identifies, locates and evaluates all children with disabilities, regardless of the severity of their disability, who are in need of special education and related services, including children attending private schools, children who are not yet three years of age, highly mobile children such as migrant and homeless children and children who are suspected of being a child with a disability even though they are advancing from grade to grade.

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The local educational agency locates, identifies and evaluates all private school children with disabilities, including religious-school children residing in the jurisdiction of the local educational



agency. The activities undertaken to carry out this responsibility for private school children with disabilities are comparable to activities undertaken for children with disabilities in the local educational agency. The local educational agency consults with appropriate representatives of private school children with disabilities on how to locate, identify, and evaluate private school children with disabilities. The local educational agency ensures the confidentiality of data collected and used to meet the requirements of child identification are protected pursuant to the confidentiality requirements of the law.

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

Prior to submitting a referral, the people required to make referrals inform the parents of their intent to make a referral. If the local educational agency to whom the referral is made is the local educational agency the child is attending under the Full-Time Open Enrollment law, the local educational agency provides the name of the child and related information to the local educational agency of residence. Whenever the local educational agency receives a referral for a resident child attending school in another local educational agency under the Full-Time Open Enrollment law, the local educational agency provides the name of the child and related information to the local educational agency of attendance.

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

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