

CHAPTER 2000            PROGRAM

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- AG 2105      *Mission of Southside Special Services of Marion County* (revised 4/17/15)  
The mission of Southside Special Services of Marion County is to provide evidence-based instruction to students and quality technical assistance to our member school corporations.
- AG 2110      *Statement of Philosophy*  
Members of the Board and its staff endeavor to provide an appropriate education and related services for students with disabilities from ages three (3) through twenty-one years who reside within the boundaries of the member school corporations *or have been approved by the Executive Director for transfer tuition agreements* (revised 4/17/15).
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B. Organizational and Administrative Structure  
C. Private School Students
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E. Instructional Curricular, Materials, Equipment, and Assistive Devices  
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H. State and Local Assessments
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A. Notice of Procedural Safeguards\*  
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C. Independent Educational Evaluations  
D. Case Conference Committee Meetings and Written Notice  
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F. Revocation of Consent for Special Education and Related Services  
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H. Expedited Due Process Hearings  
I. Mediation  
J. Complaints

\*Dr. Pamela Wright (6/26/2015) has advised that offering the notice of procedural safeguards to the parents and actually giving them a copy are two different things. Notice of Procedural Safeguards, including the required annual Medicaid notice, must

be given to the parents at **annually** and more frequently if certain circumstances arise. The Procedural Safeguards must be printed out and handed to the parents, or mailed to them, or e-mailed to if they give permission. It does not meet the letter of the law to offer a copy, or ask if the parents want a copy, or direct them to a website for a copy. If, however, parents choose to leave their copy on the table and walk away, the district has met the letter of the law by having handed the document to them.

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**AG 2340** *Field Trips*

- A. A field trip is defined as any planned journey for one or more students away from the premises of SSSMC, which is under the supervision of a professional staff member and an integral part of a course of study or an IEP. Other SSSMC-sponsored trips shall be defined as any planned student travel activity which is approved as part of the SSSMC total educational program.
- B. A properly planned and executed field trip should:
  - 1. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;
  - 2. arouse new interests among students;
  - 3. help students relate school experiences to the reality of the world outside of school;
  - 4. bring the resources of the community – natural, artistic, industrial, commercial, governmental, education – within the students’ learning experience; and
  - 5. afford students the opportunity to study real things and real processes in their actual environment.
- C. All field trips that are included in the program offerings, e.g. community-based instruction, or curriculum guides are considered to have been approved in advance.
- D. The Board shall approve those field trips and other SSSMC-sponsored trips which either (1) take students out of State, and/or (2) keep students out the SSSMC district overnight or longer.
- E. The Executive Director or designee shall approve all other such trips.
  - 1. Students may be charged reasonable fees for field trips but no student shall be denied participation for financial inability or penalized academically for nonparticipation.
  - 2. Pursuant to State law, school busses may be used if the trip does not involve more than 200 miles out of state.
  - 3. Students on all SSSMC-sponsored trips remain under the supervision of the Board and are subject to these administrative guidelines which ensure:
    - a. the safety and well-being of students;

- b. parental permission is sought and obtained before any student leaves the SSSMC on a trip;
  - c. each trip is properly evaluated, and if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities which enhance its usefulness;
  - d. the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;
  - e. each trip is properly monitored;
  - f. student behavior while on all field trips complies with the Student Code of Conduct and also complies with an approved code of conduct for all other trips; and
  - g. a copy of each student's Emergency Medical Authorization Form is in the possession of the staff member in charge.
4. A professional staff member shall not make on-site alterations or change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is imperiled.
  5. In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall immediately notify his/her administrative superior.

**AG 2410**      *Audio and Videotaping of Meetings (revised 4/17/14)*

Any electronic recording made by SSSMC will become a part of the student's file and is governed by the requirements of the Family Educational Rights and Privacy Act. Meetings such as parent-teacher conferences, case conferences, meetings under Section 504 of the Rehabilitation Act, discipline-related conferences and the like may be audiotaped with the permission of the building administrator but may also be recorded by the SSSMC.

The Executive Director or building administrator will consider the following in making a decision whether a meeting is to be audiotaped:

- A. the importance, to both parents and the SSSMC, of having a verbatim record of the hearing;
- B. the ability or inability of all necessary parties to be present in person or by phone at the meeting;
- C. the length and the complexity of the meeting;
- D. past dissatisfaction with written notes from former meetings; and
- E. any other circumstances which may have a direct bearing on the quality/success of the meeting.

In contrast to audiotaping, *videotaping of such meetings is generally prohibited (CCHA 4.1.14)*.

**2421.01**      *Students as Trainees (revised 4/29/14) [see AGs 1521, 5895, 8120]*

SSSMC Programs (internal) – The Board recognizes the value of providing students in SSSMC special education programs with experiences as part of their preparation for productive employment and appreciates the cooperation of local employers in accommodating such training activities at their places of business.

Particular attention should be paid to community-based programs for special education students and to vocational education programs in which students are producing goods or services for sale and the SSSMC is the recipient of any resulting income. Any such cooperative work site programs are to be reviewed to determine whether or not an employer relationship has been established according to criteria related to the Fair Labor Standards Act.

Any allowed student employment must comply with Indiana laws enforced by the Indiana Department of Labor/Bureau of Child Labor (317/232-2655) [www.in.gov/dol/childlabor.htm](http://www.in.gov/dol/childlabor.htm). Students seeking work permits must apply through their school corporation of residence. All students employed in out-of-school jobs must be closely monitored by staff regarding school attendance and achievement in order to determine the effects on school performance of the students.

Other Agencies (external) – The SSSMC administration encourages the participation of “cadet-type” teacher trainees in credit-based high school programs including those enrolled, for example, in career programs at the Central Nine Career Center such as student nurse trainees.

A background check is not required for visiting high school and college students on educationally related assignments such as career day, job shadowing, or brief orientation/observations under the supervision of a teacher, trainer, or instructor.

In cases of longer term assignments (20 hours or more during the school year) the supervising high school teacher or career center instructor will need to present or submit a written request for a trainee assignment to the HR Manager prior to the student’s involvement in an SSSMC program. Parents of minors will be requested to sign the SSSMC hold harmless form, which is also to be signed by emancipated students.

A trainee who may be in direct contact with students will be required to submit a Limited Criminal History Record Check. The HR Manager, as designee of the Executive Director, is to inform each trainee **other than those Visitors exempted above** that s/he:

- A. shall agree to abide by all Board policies and SSSMC guidelines while on duty as a trainee;
- B. will be covered under the SSSMC liability policy but:
  1. SSSMC shall not provide any type of health insurance to cover illness or accident incurred while serving as a trainee, and
  2. the trainee is not eligible for workers’ compensation;
- C. is expected to sign a form releasing the SSSMC of any obligation should the trainee become ill or receive an injury as a result of his/her trainee assignment;
- D. is required to report any personal arrests or the filing of criminal charges while serving as a trainee.
- E. is required to protect the confidentiality of personally identifiable information concerning all students’ educational records under the Family Educational Rights and Privacy Act of 1974 (FERPA).

- A. The primary objective of providing instructional materials and equipment is to enrich, support, and implement the educational program of the school.
- B. These guidelines allow for:
  - 1. the selection and maintenance of all educational and instructional equipment; and
  - 2. the assessment of student fees.
- C. A student or his/her parents shall be held responsible for the cost of replacing any materials or properties which are lost or damaged through their negligence.
- D. Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in activities where the product becomes the property of the student.

**AG 2531      *Copyrighted Works***

Federal Law applies to SSSMC and the staff must avoid any acts of copyright infringement under penalty of law. Copyright is the exclusive right that protects an author, composer, programmer, or any other creator of work from having his or her work published, recorded, exhibited, translated, or reproduced by way of copies and other versions, except by permission. The purpose of copyright is to encourage the development of new and original works and to stimulate their wide distribution by assuring that their creators will be fairly compensated for their contributions to society.

The following guidelines are intended to balance the rights of authors and composers with SSSMC's desire to make judicious use of printed materials, sound recordings, and electronic programs in the curriculum.

A. Literary Materials

1. Single Copying for Teachers

A single copy may be made for any of the following by or for a teacher at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class:

- a. a chapter from a book;
- b. an article from a periodical or newspaper;
- c. a short story, short essay or short poem, whether or not from a collective work;
- d. a chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

2. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one (1) copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- a. the material copied is brief and the copying is spontaneous and non-cumulative as measured by the definitions of brevity, spontaneity, and cumulative effect below;
- b. each copy includes a notice of copyright.

3. Definitions

a. Brevity

A reproduced work is brief if it consists of the following:

- 1) Poetry: Not more than



- a) a complete poem if fewer than 250 words and if printed on not more than two (2) pages;
- b) an excerpt from a longer poem if the excerpt is not more than 250 words.

2) Prose: Not more than

- a) a complete article, story, or essay of fewer than 250 words;
- b) an excerpt from any prose work of not more than 1,000 words or ten percent (10%) of the work, whichever is less, but in any event a minimum of 500 words.

3) Illustration: Not more than one (1) chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

4) Special works: Certain works in poetry, prose or in poetic prose which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience often fall short of 2,500 words in their entirety.

Paragraph 2 above notwithstanding, such special works may not be reproduced in their entirety; however, an excerpt comprising not more than two (2) of the published pages of such special work and containing not more than ten percent (10%) of the words found in the text thereof may be reproduced.

b. Spontaneity: Reproduction of a copyrighted work is spontaneous if:

- 1) the copying is at the instance and inspiration of the individual teacher;
- 2) the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission to use the work.

c. Cumulative Effect: Reproduction of a copyrighted work is non-cumulative if:

- 1) the copying of the material is for only one (1) course in the school in which the copies are made;
- 2) not more than one (1) short poem, article, story, essay, or two (2) excerpts have been copied from the same collective work or periodical volume during one class term. This section does not apply to current news periodicals and newspapers and current news sections of other periodicals.

#### 4. Prohibitions

Notwithstanding any of the above, the following prohibitions shall be in effect:

- a. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- b. There shall be no copying of or from works intended to be consumable in the course of study or of teaching. Consumable works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like material.
- c. Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals; or be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term.
- d. No charge shall be made to the student for the copied material.

#### B. Televised Material

##### Unauthorized off-air recording of television broadcast programs

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a retention period of forty-five (45) calendar days after the date of the recording; at the expiration of the retention period the recording must be erased or destroyed.
2. An off-air recording may be used once by individual teachers in the course of relevant teaching activities and may be repeated once only when instructional reinforcement is necessary, in the classroom or similar place of instruction or the home of a student receiving home instruction, during the first ten (10) school days in the retention period. After the first ten (10) school days, an off-air recording may be used during the remainder of the retention period only to permit teachers to evaluate its effectiveness in the instructional period.
3. Off-air recordings may be made only at the request of and used by individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
5. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

#### C. Music

##### 1. Permissible Uses of Music

- a. Emergency copies of printed music may be made to replace purchase copies which for any reason are not available for an

imminent performance provided purchased replacement copies are substituted in due course.

b. For academic purpose other than performance:

- 1) Multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement, or aria, but in no case more than ten percent (10%) of the work. The number of copies shall not exceed one (1) copy per student.
- 2) A single copy of an entire performable unit (section, movement, aria, etc.) that is confirmed by the copyright proprietor to be out of print or unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his/her scholarly research or in preparation to teach a class.
- 3) Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
- 4) A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
- 5) A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by the School Corporation or by an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the Corporation or the teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)

## 2. Prohibitions

The following practices are prohibited:

- a. copying to create, replace, or substitute for anthologies, compilations, or collective works;
- b. copying of or from works intended to be consumable in the course of study or of teaching such as workbooks, exercises, standardized tests, answer sheets, and like material;
- c. copying for the purpose of performance, except as in C.1.b.(2) above;
- d. copying for the purpose of substituting for the purchase of music, except as in C.1.(a) and (b) above.
- e. copying without inclusion of the copyright notice that appears on the printed copy.

## D. Software

The Copyright Act was amended on December 12, 1989, to define computer program and to provide for the reproduction of another copy of a computer program by the owner. Section 117 of the Copyright Act reads as follows:

“Notwithstanding the provisions of Section 106, it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

1. that such new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
2. that such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

Any exact copies prepared in accordance with the provisions of this section may be leased, sold, or otherwise transferred, along with the copy from which such copies were prepared, only as part of the lease, sale, or other transfer of all rights in the program. Adaptations so prepared may be transferred only with the authorization of the copyright owner.”

E. Obtaining Permission for Copying

1. A teacher may request and obtain permission to copy material from a copyrighted work; s/he may then use the work as expressly permitted and will not be bound by the limitations and prohibitions set forth above.
2. A request for permission must be in writing and should be sent, together with an envelope addressed to the sender, to the permissions department of the publisher of the work. The request should include the title, author or editor, and edition of materials for which permission is sought; the exact materials to be used, with specification of amount, page numbers, chapters, including, if possible, a photocopy of the material; the number of copies to be made; the use to be made of the duplicated materials; the form of distribution; whether or not the copies will be sold; and the process by which the material will be reproduced.
3. A copy of the written permission granted by the publisher or copyright owner shall be preserved by the Executive Director or designee.

F. Research and Publishing (see Policy 3231)

1. Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.
2. Publications and productions shall be subject to the following copyright provisions:
  - a. Rights to copyrights or patents of books, materials, devices, etc. developed by professional staff members on their own time will be relinquished by the Board upon request of the staff provided that:
    - 1) the books, materials, devices, etc. were prepared without the use of SSSMC data, facilities, and/or equipment;
    - 2) SSSMC is granted the privilege of purchasing the materials or products free of any copyright or royalty charges; and

- 3) the staff member(s) does not become involved in any way in the selling of the product to the SSSMC.
  - b. The final decision regarding whether materials were produced independently of any work assignment, and/or without using school equipment, facilities, data, or equipment rests with the Executive Director.
3. Professional staff members who desire to publish or produce materials on their own time should make such action known to the Executive Director prior to the time such work is started in order that proper procedures can be established to assure that SSSMC interests and the interests of the staff member are protected.
4. All books, materials, devices, or products which result from the paid work time and/or prescribed duties of professional staff members shall remain the property SSSMC, which shall retain all rights and privileges pertaining to the ownership thereof.
  - a. In the event that any of these products have commercial possibilities, the Executive Director is authorized to secure copyrights, patents, etc. which will ensure the ownership of the product by SSSMC.
  - b. The Executive Director is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the product(s).

**AG2623/2623.01      *Student Assessment & Test Security Provisions for Statewide Assessments*** (Updated 3/26/15)

*The Code of Ethical Practices and Procedures (511 IAC 5-5-3) addresses special concerns regarding appropriate professional practices within the Indiana Assessment System. All SSSMC personnel who may be involved with any part of the systematic assessment program are to have a copy of the Code for reference and to be familiar with the described procedures and activities.*

Before the opening of the test window for any standardized test, the IDOE requires that training of any person associated with testing has occurred. This includes, but is not limited to, the Corporation Testing Coordinator (CTC), the Building Testing Coordinator (BTC), test examiners, proctors, and any other person(s) associated with the testing process.

- A. The Executive Director is designated as the Corporation Test Coordinator (CTC) and shall:
  1. administer any end of course exams as may be required by the State Board of Education in grades 9 and 12. The end of course examinations for algebra one and English 10 comprise the graduation examination;
  2. comply with the requirements of the State Board of Education in administering the Indiana Reading Evaluation and Determination (IREAD-3) Assessment to students enrolled in grade 3; and

3. assure that a student with a disability is tested according to the requirements of I.C.20-32-5-16 with appropriate accommodations in testing materials and procedures unless the Case Conference Committee determines through the student's IEP that state mandated testing, or a part of the testing, is not appropriate and that an alternate assessment will be used to test the student's achievement.
- B. The CTC is responsible for the secure distribution of assessment materials to each school building. Secure test materials shall not be delivered to school buildings more than one (1) week in advance of the designated test window. In addition the CTC shall:
1. inventory and track all assessment materials;
  2. control the secure storage, distribution, administration and collection of tests;
  3. ensure that no tests are copied;
  4. follow all procedures prescribed in the testing manuals and those outlined by the IDOE; and
  5. ensure that all appropriate staff has knowledge of the Indiana Ethical Testing Practices and Procedures and understand the procedures to secure, administer, and handle assessment materials while in their possession.
- C. Upon receipt of assessment materials, the CTC shall:
1. provide for storage under lock and key at a central location safeguarding that materials are not available to unauthorized parties;
  2. authorized personnel may only have access to secure materials twenty-four (24) hours in advance of test administration (with the exception of the Examiner's Manual); and
  3. securely distribute assessment materials to each school building (RISE Learning Center).
- D. The Associate Director is designated as the School Test Coordinator (STC), who is responsible for:
1. controlling secure storage, distribution, administration, and collection of tests during the time the materials are in his/her school;
  2. establishing a testing schedule within the testing window;
  3. prohibiting the review of any secure test questions before, during, or after an administration session;
  4. establishing a process to ensure that *no tests or test items are copied and all student assessment materials are secure when not being administered*;
  5. establishing procedures for reviewing practices and materials used to prepare students for assessments and communicating these at least annually;
  6. informing appropriate staff of Indiana Ethical Testing Practices and Procedures; and
  7. arranging for the secure transport of the assessment materials to the CTC at the conclusion of the testing window following procedures outlined in the Examiner's Manual *and for the return of all used and unused test materials; and*

8. *documentation that the Test Security Policy has been reviewed with staff to be kept locally on file in the event the site is selected for monitoring.*

E. Each person designated as an examiner is responsible for assuring that all assessment security provisions are met while each administration session is in progress.

F. Each examiner is responsible for accounting for all assessment booklets by:

1. serial number,
2. all answer documents, and
3. other assessment materials until returned to the STC at the conclusion of the administration session.

G. Each examiner, monitor, and other school personnel or adult volunteer authorized to be present in the room during an administration session shall be informed of:

1. prescribed assessment administration,
2. assessment security procedures, and
3. ethical testing practices.

H. No person shall reveal, cause to be revealed, release, cause to be released, reproduce or cause to be reproduced any secure assessment materials through any means or medium including, but not limited to, electronic, photographic, photocopy, written, paraphrase, or oral.

I. Only materials specifically designed by the IDOE shall be provided to student or permitted in the assessment room during an administration session EXCEPT for accommodations made in accordance with the rules adopted by the IDOE.

J. Violations to test security include, but are not limited to the following:

1. giving students (examinees) access to test questions prior to testing;
2. coaching students in any way during the test;
3. copying, reproducing or use in any manner or any portion of any secure assessment book for any reason;
4. altering answer documents during or after a testing question;
5. sharing an actual test instrument in a public forum;
6. deviating from the prescribed administration procedures specified in the Examiner's Manual;
7. participating in, directing, aiding, counseling, assisting, encouraging, or failing to report any acts violating this policy or Indiana Ethical Testing Practices and Procedures;
8. scoring students' responses on the assessment before returning the answer document for scoring;
9. *permitting students or adults to have cell phones in the testing room;*
10. *discussing, paraphrasing, copying, reproducing, social media posting/texting/sending, or using in any manner any portion of a secure test document or actual/paraphrased student response for any reason (including school newsletters and internal/external e-mails).*

K. The CTC shall establish procedures for teacher, administrators, students, parents, and other community members to voice their concerns about practices they consider inappropriate.

L. The CTC shall investigate any complaints on inappropriate testing practices or testing irregularities. The investigation will include, but not be limited to, the following:

1. a formal process by which all complaints are documented and can be tracked to resolution;
2. an initial inquiry is to be conducted within one (1) school day of the receipt of the complaint to determine whether there is credible evidence that such an event occurred;
3. if any evidence of inappropriate testing practice or testing irregularity exists, a report to the IDOE Office of Student Assessment must be sent within the next seven (7) calendar days;
4. protection of the integrity of any ongoing assessments;
5. a final report to the IDOE Office of Student Assessment within four (4) weeks, unless a written request for a timeline extension has been granted; and
6. the final report must clearly indicate any recommendations or finds that would impact the reliability or validity of student scores and detail actions that the SSSMC recommends the State take.

AG 2623.02 *Alternate Assessments (New 3/26/15)*

On February 4, 2015 IDOE issued guidance regarding Indiana Statewide Assessment Choices via a posting by Kristan Sievers-Coffer. Indiana does not have an “opt-out” policy. Unless the student falls within the very narrow exemptions for homebound instruction and/or medical necessity, all students, including those with disabilities, enrolled in an Indiana accredited school are required to participate in state assessments.

Although it is a case conference committee (CCC) decision about which statewide assessment the student takes, the decision is subject to certain parameters. According to Article 7, a CCC’s determination that the student will take the alternate assessment must be based upon the criteria described in 511 IAC 5-2-2-4.5. All three of the following criteria must be satisfied for a student to be eligible to be assessed on alternate academic achievement standards:

- A. Presence of a disability – there is empirical evidence of a severe disability or a significant cognitive disability that precludes the acquisition of achievement standards necessary to obtain a high school diploma. However, there may be evidence that the student could achieve academic competence at a basic level.
- B. Intensity of Instruction – even when provided access to a differentiated general education curriculum an afforded extensive, intensive, pervasive, frequent, and individualized instruction in all settings, the student is unable to derive reasonable educational benefits, acquire, maintain, generalize, and apply academic skills across environments without significant individualized modification to content and performance expectations.
- C. Curricular Outcomes – the goals and objectives listed in this student’s IEP focus on progress within functional achievement indicators and extensions to the Indiana Academic Standards. The student strives to achieve the most basic self-help and communication skills and is seeking opportunities throughout the day to accomplish very individual goals.



In addition, the CCC's determination that the student will be assessed on alternate achievement standards cannot be based on such exclusions as:

- a. excessive or extensive absences,
- b. social, cultural or economic differences,
- c. the mere existence of an IEP or identification in a specific disability category,
- d. a specific special education placement or services,
- e. emotional, behavioral or physical challenges,
- f. anticipated scores on ISTEP+,
- g. concern for accountability calculations.

Given these above noted parameters, a student who is expected to be on a diploma track would not meet the criteria for an alternate assessment.

A student who is assessed with the alternate assessment in grades 3 – 8 is not legally precluded from being on a diploma track in high school. However, it would be highly unusual or unlikely that a student who satisfies the criteria to participate in the alternate assessment would be pursuing a high school diploma, i.e., “evidence of a severe disability or a significant cognitive disability that precludes the acquisition of achievement standards necessary to obtain a high school diploma”.

There is nothing in the general or special education rules that precludes a student who had a modified curriculum in elementary or middle school, or who did not take ISTEP+ in grades 3 through 8 from being on a diploma track when the transition IEP is developed. However, there may be issues with the student's opportunity to learn or a lack of data about the student's proficiency at the ISTEP+ grade levels that impact the decision about diploma or certificate track. Once a student is in high school and on a diploma track, the student must have a non-modified curriculum and take the End of Course Assessment (or whatever tests are required to obtain a diploma).

AG 2630      *Extended School Year (ESY): Consideration Guide* [See Admin Drive under Programs]

ESY services are for students who need the service in order to maintain current information, skills, or behaviors, rather than to develop or enhance new skills or behaviors. The Case Conference Committee (CCC) must review current IEP goals and objectives against the following criteria:

A. Critical Skills refers to those academic, social, functional, and behavioral skills that are linked to the IEP goals, critical to student, to school, and community functioning and would be difficult to maintain over non-school days (regression) or to regain in a reasonable amount of time (recoupment).

B. Non-Recoverable Learning Opportunities (Break Through Learning/Window of Opportunity) are those non-recoverable learning situations in which critical skill development, essential to independent functioning, would be lost to the student if not addressed in a timely fashion. The case conference committee should identify break through learning skill development, which is at the point of readiness, which would be lost by an interruption of services or resurgence/escalation of currently diminished behavior. (Example: student has just within the last month begun to verbalize).

Schools are required to insure ESY services are available as necessary, and the student's need for ESY services must be discussed as a component of the IIEP. For children with disabilities who are eligible for ESY services, the CCC must:

- A. Identify the goals/benchmarks/objectives for which ESY services are required.
- B. Identify special education and/or related services needed; and
- C. Determine the initiation, length, frequency, location, and duration of ESY services.

**The CCC must include or reference at least one goal and benchmark in the student's current IIEP for the recommended ESY service.**

While summer school is not the same as ESY services, it may be one option to implementing ESY services. Other options might be:

- A. Programs available at community agencies or organizations (requires justification and clear rationale, as well as authorization from the Director of Special Education),
- B. Individualized program at a designated center of school,
- C. Providing parents/guardians with materials, instruction, and/or Consultation.

2700

*Deaf and Hard of Hearing Programs (DHH)*

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

AG 2700.01 *DDH: Guidelines for Evaluation, Placement and IEP Development* (added 6/10/14)

The D/HH Coordinator, Kelli Link, is the point of contact for parents, districts and outside agencies in relationship to the D/HH program. When school personnel (teacher, psychologist, SLP) are notified about a student with a known hearing loss, they should contact the D/HH Coordinator and share the audiogram and/or audiologist report with her.

The D/HH Coordinator must be notified when consent for a Deaf and Hard of Hearing evaluation is obtained. She will connect the school psychologist with the appropriate teacher of the D/HH to do a classroom based observation and will work cooperatively with the M-team through the evaluation process and evaluation review conferences.

The D/HH Coordinator will serve as the Public Agency Representative (PAR) for case conferences. Procedures for Initial case conferences and Re-evaluation reviews are as follows:

- A. A brief staffing must be held prior to any D/HH initial case conference or re-evaluation review to review eligibility criteria and to develop proposals for IEP services. The psychologist, speech pathologist, and department members from the D/HH department can either meet or communicate via email to share the following information:

1. the student's most recent audiological exam,

2. a draft of the SSSMC Communication/Language Plan form (to be included in all D/HH IEPs) – (cannot totally complete until the case conference),
3. a description of the student’s functional use of residual hearing,
4. an observation of the student in the classroom to determine the student’s ability to process spoken language auditorally,
5. the M-team evaluation report – (probably a draft), and
6. if considering placement in the SSSMC Classroom Based Program, the team must provide relevant information regarding concerns that have led to the program as a consideration.

All case conference paperwork must be completed before a student attends the SSSMC D/HH Classroom Based Program. This includes the IEP and special transportation form, if applicable.

**B. Move-ins:**

1. When a school has a student who is D/HH move in, someone from the building must contact the D/HH Coordinator and forward to her all pertinent information (audiogram, previous IEP, psych report, etc.) The Coordinator will assign a D/HH Teacher of Record to the student.
2. If staff is considering a change of placement that is different to the placement outlined in the previous IEP, the staff must provide the D/HH Coordinator relevant information regarding concerns that have led to a consideration of change in placement. All information must be received and reviewed by the department chair prior to the move-in case conference, which must be held within 10 days.

**C. Staffings:** A staffing with the D/HH Coordinator must be held prior to any case conference in which staff members are considering a change of placement from the home school to the SSSMC Classroom Based Program.

1. The D/HH department chair must be invited to attend a case conference whenever placement in the Classroom Based Program is a consideration (contact with the department chair prior to setting the conference date is prudent to avoid scheduling conflicts).
2. If possible, the prospective teacher of the D/HH Classroom Based program will attend the case conference.

**D. Transitions:** When a case conference committee recommends that a student transition from the SSSMC D/HH Classroom Based Program to their school of legal settlement, the D/HH Classroom Based staff will complete the transition IEP.

**E. Special Circumstances:**

1. The Executive Director of SSSMC has the jurisdiction to make and approve decisions regarding special circumstances
2. The D/HH Liaison will work cooperatively with the D/HH Coordinator and/or educational audiologist on ISD placements.

**F. Case Conference Scheduling Procedures (added 9/9/14)**

Either Kelli Link, DHH Coordinator (789-1665) or Julie Helm, Supervisor of Special Services (789-1686) need to attend all DHH Case Conferences. They are the ones who can commit SSSMC funds and resources.

1. The Teacher of Record (TOR) must contact Kelli Link a minimum of two (2) weeks prior to the Case Conference to check her availability. If Kelli is not available, she will check with Julie Helm for her availability to attend the Case Conference.
2. Kelli Link will notify the Teacher of Record of the dates and times that are available and who will be attending the conference (either Kelli or Julie).
3. The Teacher of Record will set up Case Conference and notify all participants of the date and time for the conference at least 1 week prior to the meeting. The TOR is to invite the following:
  - a. a Building Representative
  - b. the Local Director of Special Education of the student's resident corporation (NOTE: For Perry only, Ann Schmidt does not need to be invited. If Ann needs to be invited, the building representative will let her know.
4. After the Case Conference is held, the Teacher of Record will send the original finalized IEP to Kelli Link.
5. Kelli Link will check the IEP for compliance and send it to appropriate districts.

AG 2700.02 *Educational Interpreting Services for Extracurricular Activities* (added 11/9/12)

Students who are deaf and hard of hearing are subject to receiving educational interpreting services based on their communication needs. The need for this related service is a case conference committee decision and outlined as an accommodation in the student's IEP. This accommodation is also available to students for school sponsored extracurricular activities. The following serves as a guide for educational interpreting services made available to students through Southside Special Services of Marion County (SSSMC) for extracurricular activities.

- A. Educational interpreting services for extracurricular activities are based on individual student needs for communication and educational access. The decision must be made by the case conference committee and outlined in the student's IEP.
- B. Southside Special Services of Marion County is responsible only for providing educational interpreting services for school sponsored events. Requests for interpreting services for events that are not school sponsored should be directed by the parent towards the specific sponsoring organization.
  1. Examples of school sponsored events include but are not limited to:
    - a. Before/After school meetings
    - b. Athletic events
    - c. School clubs
    - d. Class field trips
    - e. Classroom sponsored movie night
  2. Examples of events that are not school sponsored include but are not limited to:
    - a. Campus Life

b. Girl Scouts

c. Boy Scouts

C. Procedure for Interpreter Request (9/19/13 Revisions from Kelli Link)

1. When a family approaches TOR with interest for an extracurricular, the TOR is to contact the coach/sponsor to get all information about tryouts/practice/meetings/games/etc. with times and dates.
2. The TOR is to contact school based interpreters of interests in helping or completely covering this activity and specific days and times the interpreter is willing to do.
3. After the TOR has considered all school based interpreters, she/he will submit the request form to Kelli Link via email at [klink@sssmc.k12.in.us](mailto:klink@sssmc.k12.in.us) at least three days prior to the requested event.
4. Kelli Link will then open the activity up to all available interpreters and create a schedule for all interested parties.

D. Prior Notice of Events

1. Parents are asked to notify the TOR of initial event requests at least 3 school days prior to the event. This allows the school enough time to schedule an interpreter. If advance notice is not provided, the school will make reasonable effort to schedule an interpreter; however, there is no guarantee that the school will be able to meet the request if timely notice is not provided.
2. Once a meeting or athletic schedule has been established, parents need not make subsequent interpreter requests for that specific activity. The school will schedule an interpreter in accordance with the known activity schedule. Parents are asked to notify the TOR as soon as possible for cases such as known student absences, changes in the activity schedule, or if the student drops out of the activity.
3. Only advance notice of the student's participation is necessary for scheduled class-room wide or building wide functions on the school calendar such as field trips, after school classroom movie nights, etc. The TOR will schedule an interpreter for these known events; however, the TOR must be aware of the child's participation at the activity.
4. For cases in which a school sponsored meeting or event is scheduled at the last minute and the TOR is not aware of interpreter needs, parents are asked to notify the TOR as soon as possible. The TOR will make reasonable effort to schedule an interpreter. Due to time constraints, there is no guarantee that the school will be able to schedule an interpreter for last minute activities.

E. Special Circumstances

In a case in which a student is scheduled to attend an event and the interpreter is present for the assignment, but the school was not made aware of an absence, and the student is a no-show, the interpreter will be compensated for 30 minutes by timely filing a separate payroll claim form within the same pay period in which the service was provided.

AG 2700.03 *DHH: Substitutes for Educational Interpreters (added 9/19/13)*

The State of Indiana requires every Educational Interpreter (EI) to hold an Educational Interpreter Certificate (EIC). In the absence of an EIC, employment on a temporary

(pending) basis may be granted, if the substitute EI can demonstrate proficiency through observation/evaluation by SSSMC designee(s). Candidates must meet all SSSMC requirements for employment [see AG 1521].

The substitute EI is expected to:

- A. adhere to the RID Interpreter Code of Ethics (excluding the two exceptions as stated in the code);
- B. exhibit the ability to interpret/transliterate at a normal conversational rate utilizing American Sign Language, Pidgin Signed English, and/or Signed Exact English in situations where students with hearing impairments or parents are present;
- C. use the communication mode for each child as it is required; and
- D. work as part of an educational team providing the children who are deaf/hard of hearing appropriate opportunities to benefit from their education.

Substitute Educational Interpreters will be paid an hourly rate (in a minimum of quarter hour increments) with a minimum of one (1) hour per assignment.

AG 2700.04 DHH: Purchase of Equipment for Nonpublic Schools [added 3/23/15]

Under Section 4.11 of the Interlocal Agreement equipment that is to be purchased through SSSMC Capital Projects Fund (CPF) is to include that needed by the RISE Learning Center, and any other current or future SSSMC programs, e.g. the Deaf and Hard of Hearing, or facility.

- A. Student specific equipment, as defined by the IEP, is the responsibility of the student's home school corporation.
- B. In contrast, program equipment is the responsibility of the serving school corporation, and may be included in the charges billed back to the home school corporation.

School corporations are required to set aside federal Part B funds for Nonpublic schools in compliance with IDEIA. Both Beech Grove and MSD Decatur have elected to purchase the designated equipment for their resident students enrolled in Nonpublic schools within their respective boundaries. These two member corporations claim reimbursement for their share of the Part B funds as administered by SSSMC. MSD Franklin continues to rely on SSSMC to purchase equipment designated for its resident students attending Nonpublic school within its boundaries.

MSD Perry Township has elected to meet its federal Part B obligation by hiring employees or seeking reimbursement for personnel through SSSMC to be assigned to Nonpublic schools within its boundaries in lieu of equipment purchases. These assigned teachers are to seek approval for any desired equipment through the Nonpublic school principal, who files a justification form for requisition and purchase by MSD Perry.

If the Individual Service Plan (ISP) provides for the purchase/provision of equipment to students with disabilities, the IDOE stipulates (1/6/15) that the "movement" or necessary relocation of equipment among the member corporations be inventoried by the initial purchasing school corporation. The receiving member corporation should

provide written confirmation of receipt of the transferred equipment to the purchasing corporation and the name of the nonpublic school site within its boundaries.

2800 *RISE Learning Center (RLC)*

AG 2800.01 *External Transitions to the RLC* (AG 6150 – Cash Transfers) (added 9-16-13)

While most students transfer from a school in a member corporation to the Rise Learning Center (RLC), there are circumstances in which it may be appropriate to enroll a *transferring* (move-in non-resident) student from a non-member school corporation on a *cash transfer basis*. The following procedures apply to external transitions to the RLC:

- A. The Special Education Director or designee of the non-resident school corporation will contact the Associate Director of SSSMC to ensure available space for a student.
  1. This must include a full disclosure of the student's IEP needs and behavioral concerns in order to ascertain the appropriate classroom.
  2. *A student enrolled on a cash transfer basis shall not have been expelled from another school corporation of an Indiana Special Education District.*
- B. The sending school corporation must agree to the full financial liability for the SSSMC enrollment costs outlined under AG 6150 (Cash Transfers).
- C. The following are the steps needed to ensure a smooth and IEP compliant transition:
  1. Contact the SSSMC Associate Director to set up an agreeable CC date and:
    - a. have sending school personnel attend,
    - b. assign a sending school teacher as Teacher of Record (TOR), and
    - c. sending corporation is responsible for parent contact and scheduling for the first CC;
  2. Send a copy of the IEP and available evaluation or discipline materials to the RLC;
  3. Offer the parent or guardian the option of contacting the SSSMC Associate Director for a tour of the RLC facility;
  4. (if applicable) Enroll the student in his/her resident corporation and home school
    - a. send a copy of the enrollment and
    - b. a copy of immunization records to the RLC;
  5. ( if applicable) Obtain the IEP rights through IIEP;
  6. The sending corporation/cooperative is responsible for initiating the IEP;
  7. The sending corporation/cooperative may either:
    - a. retain their teacher as TOR and therefore maintain the IEP, or
    - b. add an RLC teacher to their IEP system as a member in the sending school, in which case:

- i. the RLC teacher will reassign the student in IIEP after the CC. RLC will then have the TOR, and
  - ii. the assigned RLC teacher will finish the services sections and the BIP section of the IEP;
- 8. Transportation is the responsibility of the sending corporation;
- 9. The parent needs to complete the RLC registration forms including:
  - a. Emergency Contact Card,
  - b. Student Pick up Permissions,
  - c. Photo Release,
  - d. Community Based Instruction Permission,
  - e. Student Enrollment Form,
  - f. Medical Referral Form (if applicable) such as
    - i. MD forms authorizing medications or
    - ii. tube feeding, etc.
  - g. School lunch forms for free and reduced
  - h. *Two-way releases if applicable.*

2800.02      *Direct Transitions [TO BE DEVELOPED]*

2800.03      *Internal Referrals and Placements at the RLC [TO BE DEVELOPED]*

AG 2900      *Homebound Instruction*

In January 2014 the IDOE issued the following reminder about homebound instruction and services for students who are absent due to injury or a temporary or chronic illness. Pursuant to 511 IAC 7-42-12, a school corporation or charter school must provide homebound instruction to any student who experiences an injury or temporary or chronic illness that precludes him/her from attending school if the students' parent provides the school with an appropriate statement from a physician. Schools providing homebound services in accordance with the state code are to report these students in the DOE-HB data collection.

Schools are to ensure that parents are aware of the requirements for obtaining homebound instruction. In order to be eligible for homebound instruction, a parent must provide the school with a written statement from a physician or a Christian Science practitioner that states:

- A. the student has a temporary illness or injury that will require the student to be absent for at least 20 consecutive school days; OR
- B. the student has a chronic illness or other medical condition that will require the student to be absent for at least 20 school days during the school year.

A student's eligibility for homebound instruction begins immediately upon the school's receipt of the physician's statement.

A statement from the physician that includes the required information is all that is needed.

- A. The student is not required to be absent for any number of days before the school is required to provide homebound instruction.
- B. If the temporary illness or injury occurs within twenty (20) school days of the end of the school year and the student needs instruction to meet promotion or



graduation requirements, the physician's statement must indicate that the student will be unable to attend for the remainder of the school year.

Once the school receives the physician's statement, a plan for homebound instruction should be developed and implemented during the time the student is absent for the reason described in the physician's statement.

A. Homebound instruction and related services for a special education student must be provided by appropriately licensed personnel and in accordance with the student's IEP.

B. Homebound instruction for a general education student must be provided by a teacher(s) licensed to teach the grade level of the student.

SSSMC will need to develop a plan that includes the hourly rate of pay for the teacher, the subjects to be taught, the method to receive assignments, test taking expectations, progress reporting, and the amount of time weekly that instruction will be provided to the student.

AG 2910      *Educational Evaluation* (see 2700.01 and 511 IAC 7-32-30) [CCHA Review 3.12.14]

According to Article 7 (511 IAC 7-32-30) an educational evaluation means procedures used in accordance with Rule 40 (Identification and Evaluation) and Rule 41 (Eligibility Criteria) to provide information about a student's disability or suspected disability for the student's Case Conference Committee (CCC) to determine the following:

- A. Whether a student is eligible for special education and related services;
- B. If eligible, the nature and extent of the special education and related services that the student needs;

Based on the suspected disability or disabilities, the educational evaluation may address the following:

- A. Development.
- B. Cognition.
- C. Academic achievement.
- D. Functional performance or adaptive behavior.
- E. Communication skills.
- G. Motor skills and sensory responses.
- H. Available medical and mental health information that is educationally relevant.
- I. Social and developmental history.
- J. Analysis of other factors.
- K. Other assessments or information necessary to determine eligibility and inform the student's CCC.

AG 2910.01      *Independent Educational Evaluation* (see 511 IAC 7-40-7) [CCHA Review 3.12.14]

An independent educational evaluation (IEE) means an evaluation conducted by a qualified evaluator who is not employed by the public agency responsible for the student in question. Upon request for an IEE, the public agency shall provide to parents:

- A. information about where an IEE may be obtained; and

B. the public agency's criteria applicable to independent educational evaluations.

A parent has the right to an IEE at public expense if the parent disagrees with an evaluation conducted by the public agency. Public expense means that the public agency either: (1) pays for the full cost of the evaluation; or (2) ensures that the evaluation is otherwise provided at no cost to the parent.

Upon a parent's request for an IEE at public expense, the public agency must take one (1) of the following actions within ten (10) business days of the date of the public agency's receipt of the parent's request:

A. initiate a due process hearing to show its educational evaluation is appropriate; or

B. notify the parent in writing that the IEE will be at public expense.

The public agency may ask the parent why the parent objects to the public agency's evaluation. However, the public agency may not: A. require the parent to provide an explanation; or B. unreasonably delay either providing the IEE or initiating a due process hearing.

A student's parents are entitled to only one (1) IEE at public expense each time the public agency conducts an educational evaluation with which the parent disagrees. If the public agency initiates a hearing to determine the appropriateness of its educational evaluation and the hearing officer determines that the evaluation conducted by the public agency is appropriate, the parent may still seek an independent evaluation, but at the parent's expense.

If the parent obtains an IEE at public expense or shares with the public agency an IEE obtained at the parent's expense, the results of the evaluation: (1) must be considered by the public agency, if it meets criteria, in any decision made with respect to the provision of a free appropriate public education to the student and (2) may be presented by any party as evidence at a due process hearing regarding the student.

The IEE is to be comprehensive and is not limited to the scope of the school corporation's educational evaluation. The evaluator selected by the parent from information provided by the public agency must not be an employee of either Southside Special Services of Marion County or the school corporation of legal settlement.

The requirements under which the evaluation is obtained must be the same as the public agency uses when it initiates an education evaluation including:

A. criteria – must be consistent with Article 7 evaluation and report-writing requirements for any and all eligibility categories considered;

B. location – the evaluation must be conducted in Indiana (unless waived by the Executive Director);

C. qualifications of examiner – Indiana licensed School Psychologist, Speech Language Pathologist, Occupational Therapist, or Physical Therapists applicable; and

D. a personal background check less than five (5) years old.

The written report must: A. fulfill the above noted requirements of an educational evaluation; B. be provided in both a hard copy and electronic format to SSSMC; C. be sent in a timely manner once the evaluation has been completed; and D. be received by SSSMC no later than the time in which a copy is provided to the parent. SSSMC must receive either the original protocols or legible copies under Article 7 (IAC 7-32-31) provisions that educational records are required to include student test protocols.

Upon receipt of the IEE report that meets the public agency's requirements, a case conference will be scheduled by the student's school corporation of legal settlement to consider the results of the evaluation in any decision made with respect to the provision of a free appropriate public education to the student. An invoice for payment at public expense will be processed after the IEE report has been received by SSSMC and is determined to meet the above noted requirements. If an independent hearing officer requests an IEE as part of a due process hearing, the cost of the evaluation must be a public expense.

AG 2910.02 *Comprehensive Educational Evaluation and Related Services*

511 IAC 7-40-3(e)(7) stipulates that "Educational evaluations are sufficiently comprehensive to identify all of the student's special education *and* related service needs" and 511 IAC 7-32-30(a) states that " 'educational evaluation' means procedures used...to determine the following: (1) whether a student is eligible for special education *and* related services; (2) if eligible, the nature and extent of the special education *and* related services that the student needs." Also, according to 511 IAC 7-40-3(f), the multidisciplinary team must "gather relevant functional, developmental, and academic information about the student ... to assist the CCC in determining the following: (1) whether the student is eligible for special education *and* related services; (2) the content of the student's individual educational program..." (*italics added*)

Therefore, the following procedures are effective immediately:

- A. Educational evaluations will be sufficiently comprehensive to identify all of the student's special education *and* related service needs, including but not limited to occupational therapy, physical therapy and assistive technology.
- B. This applies equally to initial evaluations. In cases for which there is reason to believe a student will likely be eligible for an Individualized Education Program (IEP), waiting to address related service needs during a second educational evaluation is an unnecessary delay of services to the student.
- C. Educational evaluation consent documents in the electronic Indiana IEP system will be written to inform parents that the evaluation will be comprehensive and not limited to the suspected disability areas determined by information reviewed prior to completion of the evaluation.
- D. The best practice of including an occupational therapist (OT) or physical therapist (PT) on the multidisciplinary team will continue when possible, for cases where there is reason to believe a student might be in need of occupational or physical therapy, respectively.

However, the multidisciplinary team may evaluate fine motor, gross motor and/or sensory functioning needs, and the Case Conference Committee may recommend occupational or physical therapy without participation of an OT or PT.

AG 2920 *School-based Physical Therapy*

Effective July 1, 2013 Section 3 of IC 25-27-1-2.5 is added to the Indiana Code as a new section providing that a physical therapist may evaluate and treat an individual during a period not to exceed twenty-four (24) calendar days beginning with the date of the initiation of treatment without a referral from a provider. However, if the individual needs additional treatment from the physical therapist after twenty-four (24) calendar days, the physical therapist shall obtain a referral from the individual's provider.

In operationalizing this new provision in a school setting, SSSMC will require parent consent under Article 7 for the physical therapy (PT) evaluation. SSSMC will allow up to the twenty-four (24) calendar days for the physical therapy evaluation during this "prescription free zone". The Physician's Authorization Form will be utilized if the PT evaluation is not completed within the 24 calendar day period relative to the 50-instructional day timeline of Article 7. For physical therapy treatment the first meeting for an evaluation may also be considered the "date of the initiation of treatment" during the 24 calendar day period. Following parent consent for IEP services, the annual physician authorization will be required for treatment beyond the 24 calendar day period.

AG 2930 *Students Placed at the Indiana School for the Blind and Visually Impaired (ISB) or the Indiana School for the Deaf (ISD) (added 8/6/14)*

As public agencies, school corporations, charter schools, and the state schools are all responsible for the provision of special education and related services to students with disabilities and are required to adhere to the rules and regulations of the Indiana State Board of Education. These rules are found at 511 IAC 7-32 *et seq.*, and are more commonly known as "Article 7."

On August 4, 2014 the IDOE issued guidelines intended to clarify the roles of the Local Education Agency (LEA), also known as the Corporation of Legal Settlement (COLS), and state schools; these guidelines supersede any previous guidance that has been issued by IDOE. IEPs are to reside in the LEA/COLS and its IIEP administrator is responsible for adding the Teacher of Record or a team member.

The LEA/COLS, however, will not need to do anything with the Real Time report. The serving school will need to change the access school to be the school the student would attend in their COLS. This access change by the serving school will feed the IIEP to reside in the COLS.

Under Article 7, the LEA is responsible for procedural compliance with the requirements for conducting CCC meetings and ensuring that a Teacher of Record (TOR) is assigned who can fulfill the stipulations designated in Article 7. For students attending state schools, fulfilling these responsibilities will require that the LEA work collaboratively with the state school.

In general:

- A. When an LEA places a student at ISB or ISD, the LEA remains ultimately responsible for ensuring that the student is provided with a free appropriate public education (FAPE).
- B. However, because ISB and ISD are state schools, they share responsibility for ensuring FAPE, participating in the development of the IEP, and implementing the IEP.
- C. The LEA is responsible for assigning a TOR. The LEA may assign one of its own teachers or may work with ISB or ISD to have an ISB/ISD teacher assigned as the TOR.
- D. If the LEA assigns an LEA teacher to be a student's TOR, ISB and ISD may choose to designate a teacher to serve as a lead teacher or similar capacity to work with the LEA assigned TOR.
- E. The LEA is responsible for convening CCC meetings and ensuring that a public agency representative from the LEA, as well as other requisite CCC members and representatives from ISB or ISD, participate in the CCC meeting. The LEA may delegate the task of convening the CCC to ISB or ISD, but a public agency representative from the LEA must participate and be able to commit the LEA's resources. All requisite CCC members must participate, regardless of which entity convenes the CCC.

For a student attending either the Indiana School for the Blind and Visually Impaired or the Indiana School for the Deaf, two public agencies share the responsibility to ensure that the student receives a free appropriate public education (FAPE). A student is admitted to the state schools upon recommendation of the student's case conference committee (CCC), subject to the state school's admission criteria adopted by each state school's governing board (IC 20-21-2-6; IC 20-22-2-6). *At this time there are no rules regarding admission criteria for either of the state schools.*

The school corporation or charter school ("LEA") is responsible for ensuring all procedural safeguards, including any review of the individualized education program (IEP) through the CCC process. In conducting the CCC, the LEA must designate a public agency representative and must ensure that the CCC participants include the student's teacher of record (TOR), at least one of the student's general education teachers if the student is or may be participating in the general education environment, an individual who can interpret the instructional implications of evaluation results, and the parent of a student less than 18 years of age or the student of legal age. 511 IAC 7-42-3(a) & (b).

In addition, if the purpose of the CCC meeting is to develop, review or revise the IEP for a student to be enrolled or who is currently enrolled in a state school, the LEA must also ensure the participation of a representative of the state school who is authorized to make a recommendation regarding admission to the school and commit resources. 511 IAC 7-42-3(c)(3).

The LEA, as part of its responsibilities to ensure procedural safeguards, is also responsible to ensure that the requirements of 511 IAC 7-42-8(c) are met. The LEA must ensure that the student's TOR monitors the implementation of the IEP; ensures that each of the student's teachers, related service providers, paraprofessionals, and any other service providers responsible for implementing the student's IEP have access to the IEP and are informed of their responsibilities as well as the specific accommodations, modifications, and supports to be provided to the student; ensure that the CCC is informed of any modifications made to the student's IEP in accordance with 511 IAC 7-42-9(e)(2); and be responsible for all other activities identified in 511 IAC 7-32-97, which also defines "Teacher of record" as the single special education teacher to whom a student with a disability is assigned. Each student with a disability must have a teacher of record identified.

#### Case Conference Committee (CCC)

A case conference committee meeting must be scheduled at a mutually agreed date, time, and place. For a student attending a state school, the CCC can be held at either the state school or the LEA. As a practical matter it may be more beneficial to hold the CCC at the state school as teachers and other staff working with and knowledgeable about the student are more readily available. However, the availability of the parent is a primary consideration and the preference of the parent must be considered. Video and telephone conferencing are available options to include all required participants.

If the CCC is conducted at the LEA, that school will also need to ensure the participation of state school personnel who are knowledgeable about the student's performance. Video-conferencing is an option if the schools have the appropriate technology. In summary,

A. The CCC should generally be convened by the LEA. However, the CCC may be convened by the state school as long as the LEA agrees. This makes in-person participation by the student's teachers, therapists and other providers possible. The LEA is responsible for ensuring the participation of the requisite CCC members including the individual designated by the LEA as the public agency representative.

B. The date, time, and place of the CCC meeting must be mutually agreed upon by the parent. Because it is not likely many, if any, of the student's teachers from the state school will be able to attend a remotely held CCC meeting in person, arrangements will need to be made to ensure participation of all required participants by alternate means.

#### Teacher of Record (TOR)

The LEA must ensure that a TOR is appointed who can fulfill the responsibilities of 511 IAC 7-42-8(c) and 511 IAC 7-32-97. If the LEA assigns one of its own employees as the TOR, it will need to coordinate with the state school to ensure that an appropriate "lead teacher" or other qualified individual is assigned to fulfill many of the TOR responsibilities that a TOR employed by the LEA is unable to fulfill as noted below. Further, a TOR employed by the LEA will not have any authority to supervise or provide direction to the state employees employed by the state schools.

The teacher of record may be the teacher of service and must be appropriately licensed to work with the student or, where appropriate state licensure is not available, appropriately trained. The teacher of record shall do the following:

- (1) Provide direct or indirect services to the student according to the student's IEP.
- (2) Participate in the CCC meeting as the student's teacher to assist in developing measurable goals, benchmarks, and objectives to meet the student's needs.
- (3) Regularly monitor the implementation of the student's IEP and provide progress reports to the student's parent.
- (4) Ensure the student's IEP is accessible to each of the:
  - (a) student's teachers;
  - (b) related services providers; and
  - (c) other services providers; who are responsible for implementation of the IEP.
- (5) Inform each teacher and provider of his or her specific responsibilities related to implementing the student's IEP.
- (6) Ensure that:
  - (a) supplementary aids and services;
  - (b) program modifications; and
  - (c) supports for school personnel; are provided in accordance with each student's IEP.
- (7) Serve as a consultant and resource person to all other personnel providing services to the student.
- (8) Ensure any accommodations on statewide or district assessments are implemented according to the student's IEP.
- (9) Participate in reevaluations of the student.
- (10) Ensure that the CCC is informed of any modifications made to the student's IEP in accordance with 511 IAC 7-42-9(e)(2) and 511 IAC 7-42-9(g).

While the student's LEA remains responsible for ensuring that the student's CCC is convened as required and that a TOR is appointed to fulfill the responsibilities outlined in Article 7, cooperation between the state school and the LEA in implementing these responsibilities is vital.

Alternatively, the LEA may permit the state school to assign the TOR. This arrangement would enable the state school to assign a qualified individual who is physically present at the state school and who has authority to provide direction to state employees to serve as the TOR. The LEA could enter into an agreement with the state school to ensure that a qualified individual is assigned who will fulfill the TOR responsibilities. In summary,

A. The TOR must be assigned by the LEA. The TOR may be:

- 1). an employee of the LEA, or
- 2). upon agreement between the LEA and the state school, a teacher employed by the state school.

B. If the TOR is an employee of the LEA, the TOR will likely not be able to fulfill all of the responsibilities of the TOR without coordination and collaboration with

a “lead teacher” or other qualified person employed by the state school who can assist in fulfilling the responsibilities of the TOR.

C. With agreement of the LEA, the TOR may be assigned by the state school. This will ensure that the TOR is available on the grounds of the state school and has access to the student’s teachers and other service providers and is otherwise in a position to fulfill the responsibilities of the TOR.

AG 2931        *Students Placed in a Residential Mental Health Facility – Education Funding*  
(added 8/20/14)

SB 464 was effective July 1, 2013 regarding education funding for children in residential care (I.C. 20-26) and provides that:

- A. if a student is placed in a state licensed residential mental health facility under written orders of a licensed physician,
- B. if the student receives educational services provided by the facility, and
- C. if certain other conditions are satisfied, the school corporation receiving state tuition support for the student at the time of the student's admission to the facility shall pay the facility a per diem for the educational services provided by the facility to the student during the student's admission in the facility.

The amount such a school corporation shall pay to a facility is the amount, prorated according to the number of instructional days for which the student receives the educational services, that is equal to: (1) the student's proportionate share of basic tuition support distributions that are made to the school corporation for the school year; and (2) any special education grants received for the student.

The facility is required to provide written notice to the school corporation not later than five (5) business days after a student is admitted to the facility. For each student admitted to a facility, the facility shall provide the following in accordance with rules adopted by the state board of education:

- A. an educational opportunity, including special education and related services, that is comparable to that of a student attending a school in the school corporation;
- B. a level of educational services from the facility that is comparable to that of a student attending a school in the school corporation.

The educational services at the facility must be provided by licensed teachers.

The state board of education shall adopt a rule that addresses the responsibilities of the school corporation and the facility with regard to a student with an individualized education program. [NOTE: In reply to a question on Learning Connection Becky Bowman stated on 8/20/19 that the facility is only entitled to a pro rata share of the ADM and APC funds a school corporation is currently receiving for a student. The federal funds are not included in the calculation. The state tuition support is to be divided by the total number of instructional days, e.g. 180, to arrive at the daily amount.]

AG 2932        *Nonpublic Schools: Transportation* [see Article 7]

On November 11, 2014 Dana Long (IDOE) posted an opinion regarding Individual Service Plans (ISP) and transportation. If the ISP provides that services are going to be provided



some place other than the nonpublic school which the student attends (including homeschool), then the public agency must provide the transportation to and from the site where services are being provided.

If services are provided at the public school or a neutral site and transportation is necessary, the public agency must provide transportation from the nonpublic school or the student's home to a site other than the nonpublic school, and service site to the nonpublic school or the student's home, depending on the timing of the services (511 IAC 7-34-8(d)). The public agency may, but is not required, to transport the student from the student's home to the nonpublic school (511 IAC 7-34-8(e)).