

POLICY REFERENCE MANUAL

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GOALS AND OBJECTIVES

This series of the board policy manual is devoted to the goals and objectives for the delivery of the education program as described by the mission statement of the district. The board's objective in the design, contents and the delivery of the education program is to provide an equal opportunity for students to pursue an education free of discrimination on the basis of race, creed, color, sex, national origin, marital status, religion or disability.

In providing the education program of the school district, the board shall strive to meet its overall goal of providing the students an opportunity to develop a healthy social, intellectual, emotional, and physical self-concept in a learning environment that provides guidance and encourages critical thinking in students.

In striving to meet this overall goal, the objectives of the education program are to provide students with an opportunity to:

- Acquire basic skills in obtaining information, solving problems, thinking critically and communicating effectively;
- Become effective and responsible contributors to the decision-making processes of the social and political institutions of the community, state and nation;
- Acquire entry-level job skills and knowledge necessary for further education;
- Acquire the capacities for a satisfying and responsible role as family members;
- Acquire knowledge, habits and attitudes that promote personal and public health, both physical and mental;
- Acquire an understanding of ethical principles and values and the ability to apply them to their own lives;
- Develop an understanding of their own worth, abilities, potential and limitations; and,
- Learn and enjoy the process of learning and acquire the skills necessary for a lifetime of continuous learning and adaptation to change.

Approved: June 9, 2003

SCHOOL CALENDAR

The school calendar shall accommodate the education program of the school district. The school calendar shall accommodate instruction for a minimum of 1,080 hours for students in grades nine through twelve, 1,032 hours for students in grades one through eight, and 400 hours for students in kindergarten. The school calendar shall include, but need not be limited to, days for student instruction, staff development, in-service days and teacher conferences.

The academic school year for students is considered to include a minimum of one-hundred and eighty days in the school calendar.

Special education students may attend school on a school calendar different from that of the regular education program consistent with their Individualized Education Program.

It shall be the responsibility of the superintendent to develop the school calendar for recommendation, approval, and adoption by the board annually.

The board may amend the official school calendar when the board considers the change to be in the best interests of the school district's education program.

Legal Reference: Neb. Statute 79-211
 NDE Rule 10.004.01A2

Cross Reference: 503 Student Attendance
 604.03 Special Education

Approved: June 9, 2003

SCHOOL DAY

The normal student school day for Kindergarten through grade twelve shall consist of a minimum of six hours, not including the lunch period. The school day consists of the schedule of class instruction and class activities as established and sponsored by the school district. Any time during which school is dismissed for tournaments or contests, parent/teacher conferences, funerals, parades and school picnics may not be counted as part of the student's instructional time. The minimum school day shall meet the requirements as established for the operation of accredited schools.

The district may occasionally schedule a school day for less than the standard minimum number of hours due to the scheduling of staff development opportunities, parent-teacher conferences or special events occupying a portion of the day. Schedule revisions and changes in time allotments will be made by the superintendent.

When the school is forced to close due to weather or other emergencies that part of the day during which school was in session will constitute a school day.

OPEN OR CLOSED CAMPUS

The campuses of the district are closed and students after arrival for morning classes will not, without permission of the principal, leave the campus for any purpose until they have completed their school requirements for the day.

Cross Reference: 503 Student Attendance
 504.01 Student Due Process Rights
 505 Student Discipline

Approved: June 9, 2003

CURRICULUM DEVELOPMENT

Curriculum development shall be an ongoing process in the school district. Each curriculum area shall be reviewed and revised when necessary according to the timelines set out by the superintendent. These timelines will provide for periodic review of each curriculum area.

The superintendent shall be responsible for curriculum development and for determining the most effective way of conducting research of the school district's curriculum needs and a long-range curriculum development program. In making recommendations to the board, the superintendent shall propose a curriculum that will:

- fulfill the philosophy of the school district;
- reflect the educational and operational needs assessment of the school district;
- articulate courses of study from kindergarten through grade twelve;
- identify minimum objectives for each course and, at the elementary level, for each grade;
- provide for the evaluation of the procedures and methods for attaining the objectives;
- provide for objective monitoring of a student's progress;
- provide for the needs of vocational and college bound students;
- include, if feasible, the course offerings requested by the students;
- meet the requirements of the Nebraska Department of Education.

It shall be the responsibility of the superintendent to keep the board apprised of necessary curriculum changes and revisions and to develop administrative regulations for curriculum development and recommendations to the board.

Legal Reference: 20 U.S.C. § 1232h (1994).
 34 C.F.R. Pt. 98 (1996).

Cross Reference: 102 Educational Philosophy of the District
 104 Educational and Operational Planning
 604 Instructional Curriculum
 606 Instructional Materials

Approved: June 9, 2003

CURRICULUM ADOPTION

Curriculum of the school district must be recommended by the superintendent and approved by the board.

The board may authorize the use of curriculum guides when it adopts the curriculum. Such guides will be used when, in the opinion of the superintendent, they will be of assistance to the instructional program and will provide a consistent approach in the instructional program.

Legal Reference: 20 U.S.C. § 1232h (1994).
34 C.F.R. Pt. 98 (1996).

Approved: June 9, 2003

CURRICULUM GUIDES AND COURSE OUTLINES

Curriculum guides and course outlines will be written for all courses offered in the district. L.E.A.R.N.S. (Leading Educational Achievement through Rigorous Nebraska Standards) as adopted by the State Board of Education will be included. Teachers are expected to adhere closely to the course of study adopted by the district. Information regarding course offerings will be made available to all students and interested district patrons, upon request.

Approved: June 9, 2003

CURRICULUM EVALUATION

When deemed necessary by the superintendent, and whenever a new program is proposed, the board will review the curriculum to determine its strengths and weaknesses. The board may authorize the superintendent to appoint an ad hoc advisory committee to review the curriculum.

The board shall review the students' performance on standardized tests, courses, and other indicators of student achievement deemed relevant by the board as a guideline for the effectiveness of the curriculum. It shall be the responsibility of the superintendent to provide the board with the test scores and grades along with the superintendent's comments about the school district's curriculum.

Legal Reference: 20 U.S.C. § 1232h (1994).
34 C.F.R. Pt. 98 (1996).

Cross Reference: 101 Educational Philosophy of the District
104 Educational and Operational Planning
611 Academic Achievement
604 Instructional Curriculum

Approved: June 9, 2003

PILOT, EXPERIMENTAL OR INNOVATIVE PROJECTS

The board welcomes new ideas in curriculum. Proposals for pilot or experimental projects shall first be reviewed and analyzed by the superintendent. The board will consider projects recommended by the superintendent. Pilot and experimental projects approved by the board, the Nebraska Department of Education, or the U. S. Department of Education may be utilized in the education program.

Students, who may be or are asked to participate in a research or experimental project or program, must have their parents' written consent on file prior to participating in the project or program. A research or experimental program or project requiring parents' prior written consent is a program or project designed to explore or develop new or unproven teaching methods or techniques. These programs or projects shall be designated as research or experimental projects or programs. The educational materials of a program or project designated as a research or experimental program or project may be inspected and reviewed by the parents of the students participating or being considered for participation in the program or project. The inspection and review by the parents shall be in accordance with board policy 606.02, "Instructional Materials Inspection."

It shall be the responsibility of the superintendent to develop administrative regulations regarding this policy.

Legal Reference: 20 U.S.C. § 1232h (1994).
34 C.F.R. Pt. 98 (1996)..

Cross Reference: 604 Instructional Curriculum

Approved: June 9, 2003

BASIC INSTRUCTION PROGRAM

The basic instructional program shall include the courses required for each grade level by the Nebraska Department of Education.

The basic weekly instructional program of students enrolled in the elementary grades shall include reading and language arts, mathematics, social studies, science, health, physical education, art, computer instruction, library media skills and music. Writing skills shall be incorporated in all curricular areas. The district shall consider elementary grades to be all grades up to sixth.

The basic yearly instructional program of students enrolled in the middle grades shall include reading, language arts, mathematics, social studies, science, and physical education. Writing skills shall be incorporated in all curricular areas. Exploratory experiences shall be offered in vocational education, foreign language, art, music, guidance, and technology education. The district shall consider middle grades seventh and eighth.

The basic instructional program of students enrolled in the high school grades shall consist of a minimum of 400 instructional units including language arts (60 units), social science (40 units), mathematics (40 units), science (40 units), foreign language (20 units), vocational education (80 units), personal health and physical fitness (20 units), and visual and performing arts (40 units). Writing skills shall be incorporated in all curricular areas. The instructional program shall include computer education. The district shall consider high school grades to be all grades of ninth and above.

Each instructional program shall be carefully planned for optimal benefit taking into consideration the financial condition of the school district and other factors deemed relevant by the board or superintendent. Each instructional program's plan should describe the program, its goals, the effective materials, the activities and the method for student evaluation.

It shall be the responsibility of the superintendent to develop administrative regulations stating the required courses and optional courses for the elementary, middle and high school grade programs.

Legal Reference: NDE Rule 10.005 - 10.007
20 U.S.C. § 1232h (1994)
34 C.F.R. Pt. 98 (1996)

Cross Reference: 102 Educational Philosophy of the District
103 Equal Educational Opportunity
104 Educational and Operational Planning
603 Curriculum Development
611 Academic Achievement

Approved: June 9, 2003

SUMMER SCHOOL INSTRUCTION

Generally, only drivers' education will be offered during summer school. However, the board, in its discretion, may offer summer school for one or more courses and student activities for students who need additional help and instruction or for enrichment in those areas. This decision shall be within the discretion of the board.

Upon receiving a request for summer school, the board shall weigh the benefit to the students and the school district as well as the school district's budget and availability of certificated employees to conduct summer school.

It shall be the responsibility of the superintendent to develop administrative regulations regarding this policy.

Cross Reference: 411.02 Summer School Certificated Employees
604 Instructional Curriculum
801.07 Summer School Program Transportation Service

Approved: June 9, 2003

SPECIAL EDUCATION

The board recognizes some students have different educational needs than other students. The board shall provide an appropriate education program and related services to students identified in need of special education. The special education services will be provided from birth until the appropriate education is completed, age twenty-one or to maximum age allowable in accordance with the law. Students requiring special education shall attend regular education classes, participate in extracurricular activities and receive services in a regular education setting to the maximum extent possible. The appropriate education for each student shall be written in the student's Individualized Education Program (IEP).

Special education students shall be required to meet the requirements stated in board policy or in their IEPs for graduation. It shall be the responsibility of the superintendent to provide or make provisions for appropriate special education and related services.

Children from birth through age 5 meeting the identification and verification procedures shall be provided special education services within the public education system. The school district shall work in conjunction with the appropriate education agencies to provide services, at the earliest appropriate time, to children with disabilities. This shall be done to ensure a smooth transition of children entitled to early childhood special education services.

Legal Reference: 20 U.S.C. §§1400 et seq. (1994).
 34 C.F.R. Pt. 300 et seq. (1996).
 Neb. Statute 79-1110 et seq.

Cross Reference: 505 Student Discipline
 507 Student Records
 508.02 Administration of Medication to Students
 508.08 Student Special Health Services
 602.01 School Calendar
 604 Instructional Curriculum

Graduation Requirements

Approved: June 9, 2003

MULTICULTURAL EDUCATION

Students shall have an equal opportunity for a quality education without discrimination, regardless of their race, religion, color, sex, marital status, national origin or disability.

The education program shall be free of discrimination and provide equal opportunity for the students. The education program shall foster knowledge of and respect and appreciation for the culture, history and contributions of diverse cultural groups including, but not limited to, African Americans, Hispanic Americans, Native Americans, and Asian Americans. It shall place special emphasis on human relations and sensitivity toward all races.

The board shall adopt a written plan for the implementation of multicultural education and shall evaluate this plan at least every five years. During the evaluation process, the board shall involve parents, students, employees and a diverse representation of the community members in assessing the effectiveness and appropriateness of the program. The plan shall establish district goals for the multicultural program and will include staff development to assist the district in pursuing these goals. The plan shall include a process for selecting appropriate materials and shall incorporate multicultural education into all subject areas of the core curriculum of grades kindergarten through twelve.

The superintendent will annually report the status of the multicultural education program to the board.

Legal Reference: Neb. Statute 79-719 et seq.
 NDE Rule 10.004.01A3
 NDE Rule 16

Cross Reference: 103 Equal Educational Opportunity
 600 Goals and Objectives of the Education Program

Approved: June 9, 2003

HEALTH EDUCATION

Students in grade levels one through twelve shall receive, as part of their health education, instruction about personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family life; human growth and development; substance abuse and non-use, including the effects of alcohol, tobacco, drugs and poisons on the human body; human sexuality; self-esteem; stress management; interpersonal relationships; emotional and social health; health resources; prevention and control of disease; and communicable diseases, including acquired immune deficiency syndrome. The purpose of the health education program is to help each student protect, improve and maintain physical, emotional and social well-being.

The areas stated above shall be included in health education and the instruction shall be adapted at each grade level to aid understanding by the students.

Parents who object to health education instruction in human growth and development may file a written request that the student be excused from the instruction. The written request shall include a proposed alternate activity or study acceptable to the superintendent. The superintendent shall have the final authority to determine the alternate activity or study.

Cross Reference: 504 Student Rights and Responsibilities
 508 Student Health and Well-Being
 608 Instructional Services

Approved: June 9, 2003

PHYSICAL EDUCATION

Students in grades one through eight shall be required to participate in physical education courses unless the principal of their attendance center excuses them.

Students in grades nine through twelve are required to participate in two years or 20 instructional units of physical education. Participation in health education courses may apply toward this requirement.

Students may be excused from physical education courses if the student presents a written statement from a doctor stating that such activities could be injurious to the health of the student or the student has been exempted because of a conflict with the student's religious beliefs.

Students who will not participate in physical education must have a written request or statement from their parents.

Cross Reference: 506 Student Activities

Approved: June 9, 2003

CAREER EDUCATION

Preparing students for careers is one goal of the education program. Career education will be written into the education program for grades kindergarten through twelve. This education shall include, but not be limited to, awareness of self in relation to others and the needs of society, exploration of employment opportunities, experiences in personal decision-making, and experiences of integrating work values and work skills into their lives.

It shall be the responsibility of the superintendent to assist certificated employees in finding ways to provide career education in the education program. Special attention should be given to offering courses of vocational education. The board, in its review of the curriculum, shall review the means in which career education is combined with other instructional programs.

Approved: June 9, 2003

DRIVER EDUCATION

If the district provides a traffic safety education program, the program will be made available to all eligible resident students. The district will charge a tuition rate as established by the board.

Eligible nonresident students may enroll in the district's traffic safety education program if resources are available. Nonresident students may be charged tuition at a higher rate than resident students.

The district will develop procedures for establishing tuition rates and enrolling nonresident students.

Approved: June 9, 2003

TEACHING ABOUT RELIGION

The school district is required to keep the practice of religion out of the school curriculum. The board recognizes the key role religion has played in the history of the world and authorizes the study of religious history and traditions as part of the curriculum. Preferential or derogatory treatment of a single religion shall not take place.

It shall be the responsibility of the superintendent to ensure the study of religion in the schools in keeping with the following guidelines:

- The proposed activity must have a secular purpose;
- The primary objective of the activity must not be one that advances or inhibits religion; and
- The activity must not foster excessive governmental entanglement with religion.

Cross Reference: 605.5 Religious-Based Exclusion from a School Program
607.02 School Ceremonies and Observances

Approved: June 9, 2003

ACADEMIC FREEDOM

The board believes students should have an opportunity to reach their own decisions and beliefs about conflicting points of view. Academic freedom is the opportunity of licensed employees and students to study, investigate, present, interpret, and discuss facts and ideas relevant to the subject matter of the classroom and appropriate to and in good taste with the maturity and intellectual and emotional capacities of the students.

It shall be the responsibility of the teacher to refrain from advocating partisan causes, sectarian religious views, or biased positions in the classroom or through teaching methods. Teachers are not discouraged from expressing personal opinions as long as students are aware it is a personal opinion and students are allowed to reach their own conclusions independently.

It shall be the responsibility of the principal to ensure academic freedom is allowed but not abused in the classroom.

Cross Reference: 504 Student Rights and Responsibilities
1005.10 Distribution or Posting of Materials

Approved: June 9, 2003

CITIZENSHIP

Being a citizen of the United States, of Nebraska and of the school district community entitles students to special privileges and protections as well as requiring the students to assume civic, economic and social responsibilities and to participate in their country, state and school district community in a manner that entitles them to keep these rights and privileges.

As part of the education program, students shall have an opportunity to learn about their rights, privileges, and responsibilities as citizens of this country, state and school district community. As part of this learning opportunity students shall be instructed in the elements of good citizenship and the role quality citizens play in their country, state and school district community.

Cross Reference: 102 Educational Philosophy of the District
 504 Student Rights and Responsibilities
 505 Student Discipline

Approved: June 9, 2003

GLOBAL EDUCATION

Because of our growing interdependence with other nations in the world, global education shall be incorporated into the education program for grades kindergarten through twelve so that students have the opportunity to acquire a perspective on world issues, problems, and prospects for an awareness of the relationship between an individual's self-interest and the concerns of people elsewhere in the world.

Cross Reference: 603 Curriculum Development
 604 Instructional Curriculum

Approved: June 9, 2003

INSTRUCTION AT A POST-SECONDARY EDUCATIONAL INSTITUTION

Eligibility

Students in grades nine through twelve may receive academic or vocational-technical credits that count toward the graduation requirements set out by the board for courses successfully completed in post-secondary educational institutions. Any 9th through 12th grade student who is under the age of 21 shall be eligible to apply to an institution of higher education for enrollment through the post-secondary options program if he or she:

- Is deemed by the student and parent/guardian on the advice of the principal to be in need of course work at a higher academic level than that available at school
- Is deemed by school personnel to show a high degree of maturity and responsibility, especially with regard to potential for completing post-secondary courses
- Is deemed by school personnel to be in need of a different environment
- Has given two months' written notice to the school district specifying the courses in which the student intends to enroll

Academic Credit

Academic credit granted for course work successfully completed by a student under this program shall count as high school credit toward graduation requirements unless credit is denied by the principal and the denial, if appealed, is upheld by the superintendent and the board on the basis that such credit is inappropriate. An appeal procedure is provided in the event a student is denied high school credit. A student participating in this program shall still be considered as enrolled in the district and eligible for all high school activities.

Agreement with Institution

When a student enrolls in courses at an institution of higher education for high school credit, the school district and the participating institution shall enter into a written cooperative agreement which shall include but not be limited to, the requirement that the student or parent/guardian for the first two courses taken in any one academic term upon successful completion of the courses. The agreement shall include statements that any courses taken by students under this program also shall qualify as credit toward earning a degree or certificate at the institution of higher education.

Payment of Tuition by Student

The student or parent/guardian shall be responsible for paying the tuition associated with post-secondary courses taken by the student. The district shall not reimburse the student or parent/guardian for tuition for such courses.

Transportation Costs

The school district shall not provide or pay for transportation to the institution of higher education. Students shall be responsible for transportation without reimbursement to and from the location where the course is being offered.

Cross Reference: 611 Academic Achievement

Approved: June 9, 2003

INDIVIDUALIZED INSTRUCTION

The board's primary responsibility in the management of the school district is the operation and delivery of the regular education program. Generally, students attending the school district shall receive the regular education program offered by the district. Only in exceptional circumstances will the board approve students receiving individualized instruction at the expense of the school district.

Recommendations from the superintendent for individualized instruction shall state the need for the instruction, the objectives and goals sought for the instruction, the employee requirements for the instruction, the implementation procedures for the instruction and the evaluation procedures and processes that will be used to assess the value of the instruction.

It shall be the responsibility of the superintendent to develop administrative regulations for individualized instruction.

Approved: June 9, 2003

PROGRAM FOR TALENTED AND GIFTED STUDENTS

The district is committed to an educational program that recognizes, identifies and serves the unique needs of talented and gifted students. Talented and gifted students are those who have been identified as having high performance capability in such areas as intellectual, creative, or artistic capacity or in specific fields and who require accelerated or differentiated curriculum programs in order to develop those capabilities fully.

The board directs the superintendent to develop a written identification process for identifying talented and gifted students in grades K-12. The identification process shall include an appeals process for parents/guardians who wish to request reconsideration.

A written plan that identifies programs or services to be provided to address the assessed needs of identified students shall be similarly developed. The plan shall include:

- The district's philosophy on educational service to learners with high ability;
- The district's operational definition of a high ability learner;
- Goals and objectives of the program;
- A description of the programming services, options and strategies to be provided under this plan;
- Yearly evaluation procedures to allow for input from parents, educators, students, and community members;
- Staff development training and support provided within the plan; and
- An outline of program management.

Legal Reference: Neb. Statute 79-1106 et seq.
NDE Rule 3

Cross Reference: 102 Educational Philosophy of the District
611 Academic Achievement

Approved: June 9, 2003

PROGRAM FOR AT-RISK STUDENTS

The board recognizes some students require additional assistance in order to graduate from the regular education program. The board shall provide a plan to encourage and provide an opportunity for at-risk students to achieve their potential and obtain their high school diploma.

It shall be the responsibility of the superintendent to develop a plan for students at-risk which provides for identifying students, for program evaluation, and for the training of employees.

Cross Reference: 608.01 Student Guidance and Counseling Program
611 Academic Achievement

Approved: June 9, 2003

RELIGIOUS-BASED EXCLUSION FROM A SCHOOL PROGRAM

Parents who wish to have their child excluded from a school program because of religious beliefs must inform the superintendent. The board authorizes the administration to allow the exclusion if it is not disruptive to the education program and it does not infringe on a compelling state or educational interest. Further, the exclusion must not interfere with other school district operations.

In notifying the superintendent, the parents shall abide by the following:

1. The notice shall be in writing;
2. The objection shall be based on religious beliefs;
3. The objection shall state which activities or studies violate their religious beliefs;
4. The objection shall state why these activities or studies violate their religious beliefs;
and
5. The objection shall state a proposed alternate activity or study.

The superintendent shall have discretion to make this determination. The factors the superintendent shall consider when a student requests to be excluded from a program or activity because of religious beliefs include, but are not limited to, staff available to supervise a student who wishes to be excluded, space to house the student while the student is excluded, available superintendent-approved alternative course of study or activity while the student is excluded, number of students who wish to be excluded, whether allowing the exclusion places the school in a position of supporting a particular religion, and whether the program or activity is required for promotion to the next grade level or for graduation.

Students who are allowed to be excluded from a program or activity which violates their religious beliefs shall be required to do an alternate supervised activity or study.

Cross Reference: 604 Instructional Curriculum
 607.02 School Ceremonies and Observances

Approved: June 9, 2003

ENGLISH AS A SECOND LANGUAGE

The School Board recognizes the need to provide equal educational opportunities for all students in the district. Therefore, if the inability to speak and understand the English language due to national origin or non-English speaking environments excludes a student from effective participation in the educational programs offered by the district, the district shall take appropriate action to rectify the English language deficiency in order to provide the student equal access to its programs. The board directs the administration to develop and implement procedures which:

- Appropriately identify and evaluate students with limited English proficiency (LEP). Limited English proficient students are those whose native/home language is a language other than English and whose English language skills of listening, speaking, reading and writing are not developed to a level at which they can achieve challenging performance standards in a regular classroom.
- Determine the appropriate instructional environment for LEP students.
- Monitor progress of students receiving English as a Second Language (ESL) or bilingual instruction in order to determine their readiness for the mainstream classroom environment.
- Establish professional standards for staff members who teach bilingual or English as a Second Language programs and provide development opportunities for staff members when needed.

Where feasible, the district may provide support for the student's use of the native language while developing English language skills.

Legal Reference: Title VI, Civil Rights Act of 1964.
20 U.S.C. §§ 1701 et seq.

Cross Reference: 103 Equal Educational Opportunity
601 Goals and Objectives

Approved: June 9, 2003

DUAL ENROLLMENT

The parent, guardian, or custodian of a student receiving instruction at a private, denominational or parochial school, or a school choosing not to meet accreditation or approval requirements may also enroll the student in the school district. The student shall be considered under dual enrollment. The parent, guardian, or custodian requesting dual enrollment for the student should notify the superintendent on a form provided by the school district. On the form, they shall indicate the academic courses and extracurricular activities in which the student is interested in participating.

A dual enrollment student is eligible to participate in the school district's academic and extracurricular activities in the same manner as other students enrolled in the school district to the extent allowed within NSAA regulations. The policies and administrative rules of the school district shall apply to the dual enrollment students in the same manner as the other students enrolled the school district. These policies and administrative rules shall include, but not be limited to, athletic eligibility requirements, rules governing student conduct, academic eligibility requirements, and payment of the fees required for participation.

It shall be the responsibility of the superintendent to develop administrative regulations regarding deadlines, specific courses or activities approved, restrictions of classroom space, maximum or minimum course number limitations and other procedures for this policy.

Cross Reference:	502	Student Admissions
	504	Student Rights and Responsibilities
	505	Student Discipline
	506	Student Activities
	508	Student Health and Well-Being
	611	Academic Achievement

INSTRUCTIONAL MATERIALS SELECTION

The board has sole discretion to approve instructional materials for the school district. This authority is delegated to certificated employees to determine which instructional materials, other than textbooks, will be utilized by and purchased by the school district.

In reviewing current instructional materials for continued use and in selecting additional instructional materials, certificated employees shall consider the current and future needs of the school district as well as the changes and the trends in education and society. It shall be the responsibility of the superintendent to report to the board the action taken by certificated employees.

In making its recommendations to the superintendent, the certificated employees will select materials which:

- support the educational philosophy, goals and objectives of the school district;
- consider the needs, age, and maturity of students;
- are within the school district's budget;
- foster respect and appreciation for cultural diversity and difference of opinion;
- stimulate growth in factual knowledge and literary appreciation;
- encourage students to become decision-makers, to exercise freedom of thought and to make independent judgment through the examination and evaluation of relevant information, evidence and differing viewpoints;
- portray the variety of careers, roles, and lifestyles open to persons of both sexes; and,
- increase an awareness of the rights, duties, and responsibilities of each member of a multicultural society.

In the case of textbooks, the board shall make the final decision after receiving a recommendation from the superintendent. The criteria stated above for selection of other instructional materials shall apply to the selection of textbooks. The superintendent may develop another means for the selection of textbooks. Textbooks shall be reviewed as needed and at least every five years.

Education materials given to the school district must meet the criteria established above. The gift must be received in compliance with board policy.

Cross Reference: 203.07 Advisory Board Committees
 603 Curriculum Development
 611 Academic Achievement

Approved: June 9, 2003

INSTRUCTIONAL MATERIALS INSPECTION

Parents and other members of the school district community may view the instructional materials used by the students. All instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any federally funded programs must be available for inspection by parents.

The instructional materials must be viewed on school district premises. Copies may be obtained according to board policy.

It shall be the responsibility of the superintendent to develop administrative regulations regarding the inspection of instructional materials.

Cross Reference: 603 Curriculum Development
 1003 Public Examination of District Records

Approved: June 9, 2003

OBJECTION TO INSTRUCTIONAL MATERIALS

Members of the school district community may object to the instructional materials utilized in the school district and ask for their use to be reconsidered.

It shall be the responsibility of the superintendent, in conjunction with the principals, to develop administrative regulations for reconsideration of instructional materials.

Cross Reference: 202.12 Public Participation in Board Meetings
 403.05 Public Complaints About Employees
 603 Curriculum Development

Approved: June 9, 2003

TECHNOLOGY AND INSTRUCTIONAL MATERIALS

The board supports the use of innovative methods and the use of technology in the delivery of the education program. The board encourages employees to investigate economical ways to utilize instructional television, audiovisual materials, computers, and other technological advances as a part of the curriculum.

It shall be the responsibility of the superintendent to develop a plan for the use of technology in the curriculum and to evaluate it annually. The superintendent shall report the results of the evaluation and make a recommendation to the board annually regarding the use of technology in the curriculum.

Cross Reference: 603 Curriculum Development

Approved: June 9, 2003

MEDIA CENTERS

The school district shall maintain a media center at each campus for use by students and employees during the school day to expand the opportunity for learning, contribute to literacy, support the local curriculum, and enhance and enrich learning experiences for all students.

Materials for the centers will be acquired according to Board Policy 606.01, "Instructional Materials Selection" and will meet the minimum requirements of the Nebraska Department of Education.

It shall be the responsibility of the principal of the building in which the media center is located to oversee the use of materials in the media center.

It shall be the responsibility of the superintendent to develop procedures for the selection and replacement of both library and instructional materials, for the acceptance of gifts, for the removal of obsolete library and instructional materials, and for the handling of challenges to library materials.

Legal Reference: NDE Rule 10.004.04

Cross Reference: 603 Curriculum Development

Approved: June 9, 2003

ACCEPTABLE USE OF COMPUTERS, TECHNOLOGY AND THE INTERNET

The Board supports the use of computers, technology and the Internet in the District's instructional program as a resource to educate and inform. The use of these resources shall be consistent with the curriculum adopted by the School District and shall be employed in an appropriate and responsible manner to meet the varied instructional needs, learning styles, abilities and developmental levels of students.

Procedures and Guidelines

The Superintendent shall develop and implement appropriate procedures to provide guidance for computer use and Internet access. Guidelines shall address teacher supervision of computer use, ethical use of electronic media, and the District's ownership and right of administrative review of electronic files and communications. The term "electronic media" includes, but is not limited to, the Internet, e-mail and other technological resources.

The guidelines shall prohibit utilization of networks for inappropriate or illegal activities, the intentional spreading of imbedded messages (viruses) or the use of other programs with the potential of damaging or destroying programs, data or equipment. The guidelines will describe the District's limitation of liability and will establish that the use of computers, technology and the Internet is a privilege, not a right. Violation of the procedures and guidelines will result in cancellation of those privileges and appropriate disciplinary action.

Technology Protection Measure

The District will implement a technology protection measure that will block or filter Internet access to visual depictions that are obscene, pornographic or of a harmful nature to minors. Operation of this measure will be monitored and enforced during use of computers by minors.

Audit of Use

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system. Participation in chat rooms is prohibited without specific prior approval by the system administrator. The Superintendent shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing prohibited materials. The process may include, but not be limited to:

- Utilizing blocking/filtering software.
- Turning off the "auto load images" feature of the Internet browser.

- Using a proxy server to control accessible websites.

Student Use

A written parental permission and agreement form will be required prior to the student being granted access to electronic media involving District technological resources. The form will specify acceptable uses, rules of on-line behavior, access privileges and penalties for procedural violations. It must be signed by the parent or legal guardian of minor students (under age 18) and by the student. This document will be kept on file as a legal, binding document. In order to rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Superintendent with a written request.

Staff Use

A written staff agreement form will be required for all employees having access to electronic media. Staff shall confine e-mail use to work-related purposes and only limited, incidental personal use. The agreement form will refer to the procedures and guidelines for use of computers and the Internet, describe prohibitions and limitations on the use of these resources and state the employee's responsibility for the security of individual passwords.

Community Use

On recommendation of the Superintendent, the Board will determine the conditions and limits under which equipment and services will be made available to the community. Upon request to the Building Principal, community members may have access to electronic resources and programs available through the District, provided they attend any required training and abide by the rules of usage established by the Superintendent. A written agreement form will be required for all community members having access to these resources indemnifying the District from claims by community users.

Disregard of Rules

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of using computers, technology or the Internet and related resources.

Responsibility for Damages

Individuals shall reimburse the Board for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care.

Responding to Concerns

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

Legal Reference: 20 U.S.C. sec. 1232g (1988) (Family Educational Rights and Privacy Act)
47 U.S.C. 201 et seq. (Communications Decency Act of 1995)
Children's Internet Protection Act and Neighborhood CIPA of 2000
Nebraska Statutes 79-2104

Cross Reference: 102 Educational Philosophy of the District
401 Guiding Principles for Employees
504 Student Rights and Responsibilities
507 Student Records
603 Curriculum Development
604 Instructional Curriculum
606.5 Media Centers
1006 Use of District Facilities and Equipment

Approved: June 9, 2003

DISTRICT WEB SITE

The board supports and encourages the publication of a district web site to improve community relations, to foster creativity and to demonstrate student learning. It is a means of providing information to the community about school events and classroom activities, and provides an effective line of communication between the community, staff and students.

The superintendent is directed to develop written web site regulations that pursue the benefits of maintaining a web site while protecting the school and community from its potential misuse. The superintendent will designate a staff member (herein called the Computer Coordinator) to implement the web site regulations and to review all materials published on the web site. All web pages on the web site will conform to this policy and the corresponding regulations.

Staff Web Pages

Staff may create web pages to use in class activities or to provide a resource for other staff members. Staff web pages must reflect the educational goals and objectives of the district. District employees, board members or guests may not establish personal web pages using district resources.

School or Class Web Pages

Schools or classes may establish web pages that present information about the school or class activities. The Building Principal will designate an individual to be responsible for managing the school web site under the supervision of the computer coordinator. Teachers will be responsible for maintaining their class pages.

Extracurricular Organization Web Pages

Extracurricular organizations may establish web pages with the approval of the organization sponsor and the computer coordinator. Material presented on the organization web page must relate specifically to organization activities.

Student Web Pages

Students may establish personal web pages with staff sponsorship and approval by the computer coordinator. Material presented in the student's web pages must be related to the student's educational and career preparation activities.

Other Web Pages

The district may allow other organizations such as parent-teacher groups, booster clubs, school foundations, etc. to publish web pages providing they conform to this policy and the corresponding administrative regulations.

Other Information

No personal contact information about a student, such as home address, phone number, or e-mail address will be available on the web site.

Legal Reference: 20 U.S.C. sec. 1232g (1988) (Family Educational Rights and Privacy Act)
47 U.S.C. 201 et seq. (Communications Decency Act of 1995)
Neb. Statute 79-2104

Cross Reference: 504 Student Rights and Responsibilities
507 Student Records
603 Curriculum Development
604 Instructional Curriculum
606.05 Media Centers
1006 Use of District Facilities and Equipment

Approved: June 9, 2003

CLASS SIZE - CLASS GROUPING

It shall be within the sole discretion of the board to determine the size of classes and to determine whether class grouping shall take place. The board shall review the class sizes annually.

It shall be the responsibility of the superintendent to make a recommendation to the board on class size based upon the financial condition of the school district, the qualifications of and number of certificated employees, and other factors deemed relevant to the board.

Cross Reference: 502.02 Nonresident Students

Approved: June 9, 2003

SCHOOL CEREMONIES AND OBSERVANCES

The school district will continue school ceremonies and observances which have become a tradition and a custom of the education program. These include, but are not limited to, reciting the Pledge of Allegiance and observance of holidays, such as Christmas, Halloween and Easter, by programs and performances. Such ceremonies or observances shall have a secular purpose and shall not advocate or sponsor a particular religion.

Students who do not wish to participate in these activities may be silent during the ceremony or observance or receive permission from the principal to be excused from the ceremony for religious reasons in compliance with board policy.

September 17 shall be designated as Constitution Day. The district shall hold an educational program(s) for all students on the United States Constitution each September 17. When September 17 falls on a Saturday, Sunday, or holiday, then Constitution Day shall be held during the preceding or following week.

ANIMALS IN THE CLASSROOM

Live animals will not be allowed in school district facilities except under special circumstances and only for an educational purpose. Permission from the principal will be required of anyone wishing to bring an animal into school district facilities. Appropriate supervision of animals is required when animals are brought into the school district facilities.

The person bringing the animal must furnish transportation for the animal brought to school. Animals will not be allowed to travel to and from the student's attendance center on the school bus without prior approval from the principal.

It shall be the responsibility of the principal to determine appropriate supervision of animals in the classroom.

Cross Reference: 508 Student Health and Well-Being

Approved: June 9, 2003

STUDENT PRODUCTION OF MATERIALS AND SERVICES

Materials and services produced by students at the expense of the school district are the property of the school district. Materials and services produced by students at the student's expense, except for incidental expense to the school district, are the property of the student.

It shall be the responsibility of the superintendent to determine incidental expense.

Cross Reference: 409.04 Certificated Employee Publication or Creation of Materials
504.19 Student Fees

Approved: June 9, 2003

STUDENT FIELD TRIPS AND EXCURSIONS

The principal may authorize field trips and excursions when such events contribute to the achievement of education goals of the school district. The school district will provide transportation for field trips and excursions. Excursions are defined as brief educational trips beyond the boundaries of the school grounds beginning and ending in a single class period.

In authorizing field trips and excursions, the principal shall consider the financial condition of the school district, the educational benefit of the activity, the inherent risks or dangers of the activity, and other factors deemed relevant by the superintendent. Written parental permission will be required prior to the student's participation in field trips. The superintendent's approval will be required for field trips outside the state. Board approval will be required for field trips, which involve unusual length or expense.

Field trips and excursions are to be arranged with the principal well in advance. The employee must submit a detailed schedule and budget. The school district will be responsible for obtaining a substitute teacher if one is needed. Following field trips and excursions, the teacher may be required to submit a written summary of the event.

Cross Reference: 504.03 Student Conduct
 506.01 Student Activity Eligibility
 604 Instructional Curriculum
 801 Transportation

Approved: June 9, 2003

COLLECTION OF MONEY BY TEACHERS

Teachers in grades K-6 will not be required to collect money from students for activities other than the following: lost or damaged books or equipment.

Teachers in grades 7-12 will not be required to collect money from students for activities other than the following: rental charges, and lost or damaged books or equipment.

Teacher sponsors of student government, productions, dances, athletic events, or other grade level or school-wide activities may be required to handle funds associated with these activities. Teachers will be aware of, and comply with, provisions of the district's policy on student fees.

Cross Reference: 504.19 Student Fees
 506 Student Activities

Approved: June 9, 2003

PLANNING AND RECORD-KEEPING BY TEACHERS

Quality lesson planning is necessary to help ensure the teacher that key elements of an effective lesson are presented. Lesson plans aid the principal, supervisor and substitute teachers in understanding the regular classroom teacher's plan for teaching the course of study as adopted by the School Board. Lesson plans should also be prepared by teachers whose assignment may vary from regular classroom work in order that their scheduled activities may be observed with understanding or replicated by a substitute teacher. Generally, teachers will prepare lesson plans on a weekly basis although they are expected to have general plans which cover the length of the course. Plans will be kept by the classroom teacher in a place known to and accessible to the building administrators. The principal may further require teachers to provide copies of lesson plans to the school office at reasonable times and intervals as determined by the principal.

The lesson plan should be of sufficient length and substance to allow a substitute teacher to carry on the course of study and to provide a means by which principals and supervisors may monitor instruction to assure that the educational program in a particular class or activity is related to the district-approved course of study.

Although the district will provide lesson plan books, principals may request another system or format for the presentation of lesson plans provided it meets the purpose of planning. Principals may also require more detail or specific plans to assist individual teachers, or they may minimize the use of lesson plans when such action will not compromise the stated purpose of lesson planning.

It is recognized that provision for flexibility is essential within the lesson plan to allow for unexpected changes and varying learning rates.

SCHOOL VOLUNTEERS

Citizens who voluntarily contribute their time and talents to the improvement and enrichment of the public schools' instructional and other programs are valuable assets. The board encourages constructive participation of groups and individuals in the school to perform appropriate tasks during and after school hours under the direction and supervision of professional personnel.

The administration is responsible for the recruitment, use, coordination and training of volunteers. These assignments will be carried out as directed or delegated by the superintendent. Every effort should be made to use volunteer resources in a manner which will ensure maximum contribution to the welfare and educational growth of students.

Approved: June 9, 2003

STUDENT GUIDANCE AND COUNSELING PROGRAM

The board shall provide a student guidance and counseling program. The guidance counselor shall be certified with the Nebraska Department of Education in guidance and counseling and hold any additional qualifications required by the board. The guidance and counseling program will serve grades K - 12. The program will assist students with their personal, educational, social and career development. It will provide assistance to students in academic planning and placement. The program shall be coordinated with the education program and involve certificated employees.

Cross Reference: 507 Student Records
 604 Instructional Curriculum
 605 Alternative Programs

Approved: June 9, 2003

STUDENT HEALTH SERVICES

Health services shall be coordinated with the health education and physical education curriculum. The program shall be designed to help each student protect, improve and maintain physical, emotional and social well-being. Areas to be considered include, but are not limited to:

- Environmental health and safety;
- Emergency health procedures and responsibilities;
- Health promotion;
- Communicable disease prevention and control;
- Staffing for the school health program;
- Administering of prescription medication;
- Acute or chronic health problems;
- Health assessment and screening;
- Record keeping; and
- Program evaluation.

Nurses and other medical employees employed by or requested to conduct services for the board shall hold and maintain a current Nebraska license and meet the requirements of the Nebraska Department of Education if required by the school district. In addition to the health services provided in the curriculum, the school district will provide the following district-wide health services:

- Annual vision screening tests;
- Annual audiometer screening tests;
- Annual spinal screening;
- Annual height and weight measurement; and
- Monitor student records for evidence of immunization as required by state statute.

The services listed above will be provided in conjunction with state public health officials and local hospitals.

The superintendent shall provide a written report on the role of health services in the education program to the board annually.

Cross Reference: 502.03 Entrance - Admissions
 508 Student Health and Well-Being

Approved: June 9, 2003

EVALUATION OF INSTRUCTIONAL PROGRAMS

The board supports building level school improvement processes and projects for the purpose of attaining higher educational achievement levels for the district's students. An important part of school improvement is the on-going evaluation of the curriculum and instructional program of the district. Programs will be evaluated with respect to both their effectiveness and efficiency as means of delivering student education.

The superintendent shall develop guidelines by which the instructional staff will evaluate the instructional program on a periodic basis.

Legal Reference: NDE Rule 10.004.07A

Approved: June 9, 2003

TEST OR ASSESSMENT SELECTION

A comprehensive testing program shall be established and maintained to evaluate the education program of the school district and to assist in providing guidance or counseling services to students and their families.

No student shall be required, as part of a program funded by the United States Department of Education, to submit, without prior written consent from the student's parent, to surveys, analysis or evaluation which reveals information concerning:

- political affiliations;
- mental and psychological problems potentially embarrassing to the student or the student's family;
- sex behavior and attitudes;
- illegal, anti-social, self-incriminating and demeaning behavior;
- critical appraisals of other individuals with whom students have close family relationships;
- legally recognized, privileged and analogous relationships, such as those of lawyers, physicians and ministers; or
- income, but not including income required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

It shall be the responsibility of the board to review and approve the evaluation and testing program.

Legal Reference: Goals 2000: Educate America Act, Pub. L. No. 103-227, 108 Stat. 125 (1994).
 20 U.S.C. § 1232h (1994).

Cross Reference: 507 Student Records
 608.02 Student Health Services
 611 Academic Achievement

Approved: June 9, 2003

TEST OR ASSESSMENT ADMINISTRATION

The district shall assess the progress of students through a district-wide assessment system to provide for a fair and adequate measurement of each student's progress and accomplishments. Administrators and staff shall select a valid and reliable system of assessments aligned with the curriculum and essential learner outcomes.

The superintendent, in directing the assessment system, shall hold administrators and staff accountable to:

- follow appropriate security procedures;
- use the assessments identified within applicable curriculum guides;
- use assessment data to monitor student learning;
- use assessment data to differentiate instruction where appropriate;
- provide students and parents with information about student progress;
- use assessment data for school improvement planning; and
- use assessment data to adjust, improve, or terminate ineffective teaching practices.

Cross Reference: 611 Academic Achievement
 1005.02 Parent Relations Goals

Approved: June 9, 2003

STUDENT PROGRESS REPORTS

Students shall receive a progress report at least at the end of each nine-week grading period or more frequently as directed by the building principal. Students, who are doing poorly, and their parents, shall be notified prior to the end of the semester in order to have an opportunity to improve their grade. The board encourages the notification of students who have made marked improvement prior to the end of the semester.

Cross Reference: 507 Student Records

Approved: June 9, 2003

STUDENT PROMOTION, RETENTION OR ACCELERATION

Students will be promoted to the next grade level at the end of each school year based on the student's achievement, age, maturity, emotional stability, and social adjustment.

Students will normally progress annually from grade to grade. Exceptions may be made when, in the judgment of the teachers and the principal, such exceptions are in the best educational interest of the students involved. Exceptions will always be made after prior notification and explanation to the student's parents, but the final decision will rest with school authorities.

Legal Reference: Nebraska Statute 79-526

Approved: June 9, 2003

STUDENT HONORS AND AWARDS

The school district shall provide a program that establishes honors and awards including, but not limited to, academic letters, scholarships and good citizenship awards for students to assist them in setting goals. Students shall be made aware of honors and awards and the action necessary on the part of the student to achieve them. A minimum of four semesters of attendance at Palmyra High School will be required for a student to be considered for Academic Honors.

It shall be the responsibility of the superintendent to develop the administrative regulations regarding this policy.

Cross Reference: 506 Student Activities
 611 Academic Achievement

Approved: June 9, 2003

PARENT CONFERENCES

Parent-teacher conferences will be held each semester at the elementary and the secondary school to keep the parents informed. The conferences at the secondary school are not individually scheduled.

Parents, teachers, or principals may request a conference for students in grades kindergarten through twelve in addition to the scheduled conference time. Parents and students are encouraged to discuss the student's progress or other matters with the student's teacher.

Cross Reference: 507 Student Records

Approved: June 9, 2003

GRADING GUIDELINES

The superintendent shall develop and implement student-grading guidelines. The objectives of grading guidelines shall be to quantify, report and record the academic progress of each student. Grades should fairly reflect the level of student achievement in the knowledge and skills specified by grade level or course objectives and outcomes.

Legal Reference: Falvo v. Owasso Independent School District No. I-001

Cross Reference: 507.01 Student Records Access
1003 Public Examination of District Records

Approved: June 9, 2003

CLASS RANKINGS AND GRADE POINT AVERAGE

The official grade point average (GPA) of graduating students is based on a minimum of 8 semesters of studies in order to allow students sufficient opportunity for demonstrating achievement. Temporary GPA's will be sent to colleges and universities who request information for admission.

The official GPA will be furnished to post-secondary institutions upon request.

The district will honor the top 10% of the graduating class at comment based solely upon class rank. The honor graduates must have a minimum of 4 semesters of enrollment in the district.

Legal Reference: Neb. Statute 79-526

Cross Reference: 507 Student Records

Approved: June 9, 2003

GRADUATION REQUIREMENTS

Students must successfully complete the courses required by the board and Nebraska Department of Education in order to graduate.

It shall be the responsibility of the superintendent to ensure that students complete grades one through twelve and that high school students complete 230 credits prior to graduation. The following credits will be required:

English/Speech	<u>45</u>	credit hours
Science	<u>30</u>	credit hours
Mathematics	<u>30</u>	credit hours
Social Studies	<u>40</u>	credit hours
Physical Education/Health	<u>10</u>	credit hours
Business	<u>10</u>	credit hours
Computers	<u>15</u>	credit hours
Total Required Hours	<u>180</u>	credit hours
Total Elective Hours	<u>50</u>	credit hours
Total Required Hours for Graduation	<u>230</u>	credit hours

Students must be enrolled in Palmyra High School at the time of their graduation in order to receive a diploma.

Graduation requirements for special education students will be in accordance with the prescribed course of study as described in their Individualized Education Program (IEP). Each student's IEP will include a statement of the projected date of graduation at least 18 months in advance of the projected date and the criteria to be used in determining whether graduation will occur. Prior to the special education student's graduation, the IEP team shall determine whether the graduation criteria have been met.

Cross Reference: 604.3 Special Education
 611 Academic Achievement

Approved: June 9, 2003

EARLY GRADUATION

A student who wishes to graduate from high school in less time than the ordinary eight (8) semester, grade 9-12 sequence, may request permission to complete graduation requirements on an alternate schedule.

The student and parents/guardians will consult with high school guidance personnel to develop a graduation plan. The student's intention to accomplish this shall be stated in writing to the principal. The student's parent or legal guardian must submit a letter in support of the student's request for early graduation, and such letter is to accompany the student's written request. The request letters to the principal are to be submitted no later than before enrollment in the student's anticipated last year of classes prior to the completion of the required high school program.

A student who graduates early must complete all graduation requirements established by the board. The student who chooses early graduation will be allowed to participate in the spring graduation ceremonies if he/she so chooses. In all other school activities the early-out graduate will be treated as a graduated student.

COMMENCEMENT

Students who have met the requirements for graduation will be allowed to participate in the commencement proceedings provided they abide by the proceedings organized by the school district.

SPECIAL EDUCATION POLICY

FULL EDUCATIONAL OPPORTUNITY GOAL

34 CFR 300.123

Palmyra District OR-1 Public School has a goal of providing full educational opportunity for all children with disabilities birth through the school year when the student reaches age 21 consistent with the state's full educational opportunity goal.

CHILDFIND

All children with disabilities residing in Palmyra District OR-1 Public Schools, including children with disabilities who are homeless children or wards of the state and children with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

IDENTIFICATION, EVALUATION AND VERIFICATION

Palmyra District OR-1 Public Schools ensures that children with disabilities are evaluated in accordance with 92 NAC 51-006. Procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

INDIVIDUALIZED EDUCATION PROGRAM

Palmyra District OR-1 Public Schools ensures that an Individualized Education Program (IEP), or an Individualized Family Service Plan (IFSP) is developed, reviewed, and revised for each child with a disability in accordance with 92 NAC 51-007.

PARTICIPATION IN ASSESSMENTS

Palmyra District OR-1 Public Schools ensures that children with disabilities are included in district-wide assessment programs, with appropriate accommodations, where necessary. As appropriate, the school district develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in district-wide assessments and develops and conducts those alternate assessments.

Palmyra District OR-1 Public Schools will make available to the Nebraska Department of Education the information necessary to carry out its duties relating to the reporting of children with disabilities participation in assessments.

LEAST RESTRICTIVE ENVIRONMENT

To the maximum extent appropriate, children with disabilities, including children in public and nonpublic institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. If placement in a public or non-public 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, must be at no cost to the parents of the child.

Palmyra District OR-1 Public Schools ensures that children with disabilities have available to them the variety of educational programs and services available to non-disabled children, including art, music, industrial arts, consumer and homemaking education and vocational education.

CHILDREN IN NONPUBLIC SCHOOLS

To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in nonpublic elementary and secondary schools, provision is made for the participation of those children in special education and related services in accordance with the requirements contained in 92 NAC 51.

Palmyra District OR-1 Public School's policy relating to childfind activities applies with respect to children with disabilities who are enrolled in nonpublic, including parochial, elementary and secondary schools. Children with disabilities in nonpublic schools and facilities are provided special education and related services in accordance with an individualized education program, at no cost to their parents, if the child is placed in, or referred to nonpublic schools or facilities by Palmyra District OR-1 Public Schools as a means of carrying out the requirements of IDEA or any other applicable law requiring the provision of special education and related services to all children with disabilities.

Children served by nonpublic schools or facilities as a result of a referral by the Palmyra District OR-1 Public Schools will have all the rights they would have if served by the Palmyra District OR-1 Public Schools. Palmyra District OR-1 Public Schools is not required to pay for the cost of education, including special education and related services, of a child with a disability at a nonpublic school or facility if Palmyra District OR-1 Public Schools made a free appropriate public education available to the child and the parents elected to place the child in such nonpublic school or facility. If the parents of a child with a disability, who previously received special education and related services under the authority of the Palmyra District OR-1 Public Schools, enrolls the child in a nonpublic elementary or secondary school without the consent of or referral by the Palmyra District OR-1 Public Schools, a court or a hearing officer may require the Palmyra District OR-1 Public Schools to reimburse the parents for the cost of the enrollment if the court or hearing officer finds that the Palmyra District OR-1 Public

Schools had not made available a free appropriate public education to the child in a timely manner prior to that enrollment.

612.01

The cost of the reimbursement may be reduced or denied if at the most recent IEP meeting that the parents attended prior to the removal of the child from the Palmyra District OR-1 Public Schools, the parents did not inform the IEP team that they were rejecting the placement proposed by the district to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a nonpublic school at public expense; or 10 business days (including any holidays that occur on a business day), prior to the removal of the child from the school district, the parents did not give written notice to the Palmyra District OR-1 Public Schools of the information required above. The cost of reimbursement will not be reduced or denied for failure to provide the information required if the parent is illiterate and cannot write in English, if compliance with the requirement would likely result in physical or serious emotional harm to the child, if the school prevented the parent from providing the information or if the parents had not received notice required by 92 NAC 51-009 of the parents responsibility to provide notice to the Palmyra District OR-1 Public Schools.

The reimbursement may also be reduced or denied if prior to the parents removal of the child from Palmyra District OR-1 Public Schools, the school district informed the parents, through the notice requirements described in 92 NAC 51-009, of its intent to evaluate the child (including a statement of the purpose of the evaluation was that appropriate and reasonable), but the parents did not make the child available for the evaluation. The reimbursement may also be reduced or denied upon a judicial finding of unreasonableness with respect to actions taken by the parents.

PROCEDURAL SAFEGUARDS

Palmyra District OR-1 Public Schools ensures that children with disabilities and their parents are afforded the procedural safeguards required in 92 NAC 51-009.

CONFIDENTIALITY

Palmyra District OR-1 Public Schools complies with the requirements contained in 92 NAC 51-009 relating to the confidentiality of records and information.

Palmyra District OR-1 Public School district ensures that transportation will be provided to any special education student who qualifies for special education transportation under Neb. Rev. Stat. 79-1129.

PERSONNEL STANDARDS

Palmyra District OR-1 Public Schools ensures that all personnel are appropriately and adequately prepared subject to IDEA requirements and Palmyra District OR-1 Public Schools will take measurable steps to recruit, hire, train and retain personnel meeting the requirements of IDEA to provide special education and related services to children with disabilities.

PERFORMANCE GOALS AND INDICATORS

Palmyra District OR-1 Public Schools will use performance goals and indicators established by the state to assess progress toward achieving those goals that are consistent to the extent appropriate with any other goals and academic standards for children. Palmyra District OR-1 Public Schools will provide the Nebraska Department of Education with information necessary to enable the state to assess progress toward achieving the goals established by the state.

SUSPENSION AND EXPULSION REPORTING

Palmyra District OR-1 Public Schools will report data to the Nebraska Department of Education to determine if significant discrepancies are occurring in the rate of long-term suspension and expulsions of children with disabilities.

POLICIES AND PROCEDURES FOR SPECIAL EDUCATION

POLICY

FREE APPROPRIATE PUBLIC EDUCATION

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS ENSURES THAT A FREE APPROPRIATE PUBLIC EDUCATION IS AVAILABLE TO ALL CHILDREN WITH DISABILITIES FROM BIRTH THROUGH THE SCHOOL YEAR IN WHICH THE STUDENT REACHES 21 YEARS OF AGE, INCLUDING CHILDREN WHO HAVE BEEN SUSPENDED OR EXPELLED FROM SCHOOL.

PROCEDURE

004 Responsibility for Special Education Programs

004.01 All providers of special education services shall be under the general supervision of the Department of Education for the purpose of meeting the standards of this Chapter. School districts shall insure that all children with verified disabilities, from birth through the school year in which the student reaches age twenty-one, including children who have been suspended or expelled from school, have available to them a free appropriate public education (FAPE) which includes special education and related services to meet their unique needs. School districts' responsibility to ensure the availability of FAPE includes ensuring the availability of FAPE for resident students in detention facilities, correctional facilities, jails and prisons.

004.02 The school district shall ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child is advancing from grade to grade.

004.02A The determination that a child described in 92 NAC 51-004.02 is eligible under this part, must be made on an individual basis by the multidisciplinary evaluation team.

004.03 Exceptions to the Requirement to Provide a Free Appropriate Public Education

004.03A Students with disabilities who have graduated from high school with a regular high school diploma are not eligible to receive a FAPE.

004.03A1 The exception in 92 NAC 51-004.03A does not apply to students who have graduated but have not been awarded a regular high school diploma.

004.03A2 Graduation from high school with a regular

diploma constitutes a change in placement, requiring written prior notice in accordance with 92 NAC 51-009.03.

004.04 Participation in or attendance at programs by children with verified disabilities from date of diagnosis to age five shall be voluntary as specified by the parent.

PERSON(S) RESPONSIBLE: Board of Education, Superintendent, Principal, Teachers, (*Special Education Director*)

TIMELINE: Ongoing

MATERIALS: District policies and procedures, special education forms, Parent Rights Pamphlets, Parent training information

METHODS: Through the implementation of the district's special education policies and procedures, the district provides a free appropriate public education to all children with disabilities including children who have been suspended or expelled from school. It is anticipated that all student with disabilities will receive a regular high school diploma upon completion of their educational program. In

those limited cases where it is determined that a student will receive other than a regular diploma the IEP Team, including the parents, will meet to discuss the student's educational programming until age 21.

POLICY

FULL EDUCATIONAL OPPORTUNITY GOAL

34 CFR 300.123

PALMYRA DISTRICT OR-1 PUBLIC SCHOOL HAS A GOAL OF PROVIDING FULL EDUCATIONAL OPPORTUNITY FOR ALL CHILDREN WITH DISABILITIES BIRTH THROUGH THE SCHOOL YEAR WHEN THE STUDENT REACHES AGES 21 CONSISTENT WITH THE STATE'S FULL EDUCATIONAL OPPORTUNITY GOAL.

PROCEDURE

004.01 All providers of special education services shall be under the general supervision of the Department of Education for the purpose of meeting the standards of this Chapter. School districts shall insure that all children with verified disabilities, from birth through the school year in which the student reaches age twenty-one, including children who have been suspended or expelled from school, have available to them a free appropriate public education (FAPE) which includes special education and related services to meet their unique needs. School districts' responsibility to ensure the availability of FAPE includes ensuring the availability of FAPE for resident students in detention facilities, correctional facilities, jails and prisons.

PERSON(S) RESPONSIBLE: Board of Education, Superintendent, Principal, Teachers (*Special Education Director*)

TIMELINE: Ongoing

MATERIALS: Special education procedures and forms. Training and staff development for certified and noncertified staff in the methods of implementation and "best practices" for working with students with disabilities.

METHODS: Procedures and forms are implemented on an individual child basis. Staff development activities will be determined by staff needs, and provided on a yearly schedule.

POLICY

CHILDFIND

ALL CHILDREN WITH DISABILITIES RESIDING IN PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS, INCLUDING CHILDREN WITH DISABILITIES WHO ARE HOMELESS CHILDREN OR WARDS OF THE STATE AND CHILDREN WITH DISABILITIES ATTENDING NON-PUBLIC SCHOOLS, REGARDLESS OF THE SEVERITY OF THEIR DISABILITIES, AND WHO ARE IN NEED OF SPECIAL EDUCATION AND RELATED SERVICES, ARE IDENTIFIED, LOCATED, AND EVALUATED AND A PRACTICAL METHOD IS DEVELOPED AND IMPLEMENTED TO DETERMINE WHICH CHILDREN WITH DISABILITIES ARE CURRENTLY RECEIVING NEEDED SPECIAL EDUCATION AND RELATED SERVICES.

PROCEDURE

006 Identification of Children with Disabilities, Multidisciplinary Teams and Reporting of Diagnostic Data

006.01 Child Find

006.01A All children with disabilities, including children with disabilities who are homeless children or wards of the State and children with disabilities attending nonpublic schools, regardless of the severity of their disabilities, and who are in need of special education and related services, shall be identified, located, and evaluated and a practical method shall be developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. For infants and toddlers, districts shall demonstrate targeted efforts to meet the needs of children from historically underserved populations, particularly minority, low-income, inner-city and rural populations, and children with disabilities who are wards of the state.

006.01A1 The child find requirements apply to highly mobile children with disabilities (such as migrant and homeless children); and to children under the age of 3 who are involved in a substantiated case of child abuse or neglect; who are identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure.

006.01A2 A child who is suspected of being a child with a disability under 92 NAC 51- 003.08 and in need of special education, even though they are advancing from grade to grade.

PERSON(S) RESPONSIBLE: Superintendent, School District Administrators

TIMELINE: Print publications will occur each August, with ongoing activities occurring throughout the school year.

MATERIALS: Print publications will occur in local newspaper, school calendar and student handbook. Ongoing activities include distribution of pamphlets to doctors' offices, articles in school newspapers, etc.

METHODS: Efforts to locate and evaluate resident children and students with disabilities who will benefit from special education and related services will be conducted on an ongoing basis in the following ways:

1. Health and general education screening will be conducted by the district as

required by Nebraska state statutes and Nebraska Department of Education and Nebraska Department of Health and Human Services regulations.

2. Childfind plans will be developed and records maintained to document all such activities of the district and to evaluate their effectiveness. Such records will include a copy of all public announcements. Persons making referrals will be asked where they acquired the information that led them to the school district.

3. The district will accept referrals for evaluation directly from parents, other agencies or school personnel for children below age five who may benefit from the provision of special education services. The district will conduct periodic screening activities to locate children with disabilities.

POLICY

IDENTIFICATION, EVALUATION AND VERIFICATION

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS ENSURES THAT CHILDREN WITH DISABILITIES ARE EVALUATED IN ACCORDANCE WITH 92 NAC 51-006.

PROCEDURES TO ENSURE THAT TESTING AND EVALUATION MATERIALS AND PROCEDURES UTILIZED FOR THE PURPOSES OF EVALUATION AND PLACEMENT OF CHILDREN WITH DISABILITIES WILL BE SELECTED AND ADMINISTERED SO AS NOT TO BE RACIALLY OR CULTURALLY DISCRIMINATORY. SUCH MATERIALS OR PROCEDURES SHALL BE PROVIDED AND ADMINISTERED IN THE CHILD'S NATIVE LANGUAGE OR MODE OF COMMUNICATION, UNLESS IT IS CLEARLY NOT FEASIBLE TO DO SO, AND NO SINGLE PROCEDURE SHALL BE THE SOLE CRITERION FOR DETERMINING AN APPROPRIATE EDUCATIONAL PROGRAM FOR A CHILD.

PROCEDURE

006.01C Student Assistance Team (SAT) or Comparable Problem Solving Team

006.01C1 For a school age student, a general education student assistance team or a comparable problem solving team shall be used prior to referral for multidisciplinary team evaluation.

006.01C2 The SAT or comparable problem solving team shall utilize and document problem solving and intervention strategies to assist the teacher in the provision of general education.

006.01C3 If the student assistance team or comparable problem solving team feels that all viable alternatives have been explored, a referral for multidisciplinary evaluation shall be completed. A referral shall include information from the SAT or comparable problem solving team, meeting the requirements of 92 NAC 51-006.01C and a listing of the members of the SAT or comparable problem solving team.

STUDENT ASSISTANCE TEAM

PERSON(S) RESPONSIBLE: Principals, SAT Chairperson, SAT members,
(*Special Education Director*)

TIMELINE: Strategies designed, implemented, and evaluated for approximately 30 to 45 school days. Specific number of days may vary depending on individual student needs, availability of data, number of strategies implemented and the success of the strategies and should be consistently reviewed by the SAT.

MATERIALS: Student Assistance Team Referral, Student Assistance Team Report, Referral for Initial Evaluation, Notice and Consent for Initial Evaluation

METHODS:

1. *The SAT shall coordinate and review the information from all staff members working with the referred student and the student's parent(s) and guardian(s);*
2. *A building level SAT chairperson will be designed and shall be responsible for all communication with parents and school personnel regarding the operation of the team and information generated. The SAT chairperson shall insure that all information is properly documented.*
3. *When appropriate, the SAT will plan, implement and assess the effectiveness of alternative intervention strategies developed to assist the teacher in the provision of general education including:*
 - a. *Reviewing relevant background information;*
 - b. *Observing/presenting educational problems/behavior;*
 - c. *Conferring with teacher(s), parent(s), guardian(s);*
 - d. *Planning alternative intervention strategies;*
 - e. *Assisting teachers in implementing interventions;*
 - f. *Monitoring and evaluating the effectiveness of the intervention;*
 - g. *Providing written documentation of the above activities; and*
 - h. *Making recommendations regarding referral distribution which may include referral for a MDT assessment, continuation of classroom interventions and/or utilization of school or community resources.*
4. *If the SAT determines that appropriate options available in general education have been exhausted and there is a possible need of special education services, the student shall be referred to the multidisciplinary team for evaluation;*
5. *The SAT report shall be completed within a reasonable time of accepting the referral;*
6. *Referral information and written documentation of all SAT activities shall be incorporated into the student's records; and*
7. *All referrals for a MDT evaluation shall be submitted on the appropriate district referral forms and must include information from the SAT including strategies/interventions attempted and a listing of team members.*

PROCEDURE (IDENTIFICATION, EVALUATION AND VERIFICATION {continued})

006.02 Consistent with 92 NAC 51-009.05, 009.06 and 009.07, a parent of a child, the Nebraska Department of Education, another State agency or a local school district or approved cooperative may initiate a request for an initial evaluation to determine if the child is a child with a disability.

006.02A Except for infants and toddlers, the resident school district or approved cooperative shall conduct a full and individual initial evaluation for each child being considered for special education and related services before the initial provision of special education and related services to a child with a disability. The initial evaluation shall determine whether a child is a child with a disability, and the educational needs of the child. For infants and toddlers, early intervention services in accordance with 92 NAC 51-007.13, may begin prior to completion of a full and individual initial evaluation.

006.02A1 In implementing the requirements of 92 NAC 51-006.02A the school district or approved cooperative shall insure that:

006.02A1a The evaluation is conducted in accordance with the procedures described in Section 006 of this Chapter.

006.02A1b The results of the evaluation are used by the child's IEP team in meeting the requirements of Section 007 of this Chapter.

006.02B School districts or approved cooperatives shall insure, at a minimum, that the following requirements are met:

006.02B1 Assessments and other evaluation materials used to assess a child under this Chapter;

006.02B1a Are selected and administered so as not to be discriminatory on a racial or cultural basis; and

006.02B1b Are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is not feasible to, provide or administer;

006.02B1b(i) For infants and toddlers, tests and other evaluation materials and procedures are administered in the native language of the

parent or other mode of communication, unless it is clearly not feasible to do so.

006.02B1c Are used for purposes for which the assessments or measures are valid and reliable.

006.02B2 Assessments of children with disabilities who transfer from one school district or approved cooperative to another school district or approved cooperative in the same academic year are coordinated with such children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

006.02B3 Materials and procedures used to assess a child with limited English proficiency are selected and administered to insure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

006.02B4 A variety of assessment tools and strategies are used to gather relevant functional, developmental and academic information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining:

006.02B4a Whether the child is a child with a disability under 92 NAC 51-003.08; and

006.02B4b The content of the child's IEP.

006.02B5 Any standardized tests that are given to a child:

006.02B5a Have been validated for the specific purpose for which they are used; and

006.02B5b Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.

006.02B5b(i) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of the test

administration) must be included in the evaluation report.

006.02B6 Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

006.02B7 Tests are selected and administered so as best to insure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

006.02B8 No single measure or assessment is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

006.02B9 The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

006.02B10 In evaluating each child with a disability under Section 006, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

006.02B11 The school district or approved cooperative uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

006.02B12 The school district or approved cooperative uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

006.02C In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child, each school district or approved cooperative shall:

006.02C1 Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and

006.02C2 Insure that information obtained from all of these sources is documented and carefully considered.

006.02D Evaluation and assessment for infants and toddlers

006.02D1 An evaluation is conducted in accordance with Section 006 of this Chapter to determine eligibility for services including determining the status of the child in each of the developmental domains.

006.02D2 After a child has been verified the district must conduct an assessment of the unique needs of the child in terms of each of the developmental areas to identify services appropriate to meet the needs of the child.

006.03 Multidisciplinary Evaluation Team (MDT) Requirements

006.03A The multidisciplinary evaluation team (including the child's parents) shall be responsible for the analysis, assessment and documentation of educational and developmental abilities and needs of each child referred for the purpose of individual evaluation. Using the documentation collected and the verification criteria found in Section 006 of this Chapter and the definition found in 92 NAC 51-003.08, the MDT shall make all verification decisions. Documented information shall be collected to facilitate the development of a statement of present level of development and educational performance on the IFSP or IEP.

006.03B For students attending nonpublic schools, an administrator of the nonpublic school or a designated representative of the nonpublic school shall be a member of the MDT.

006.03C In making a determination of eligibility, a child shall not be determined to be a child with a disability if the determining factor is lack of appropriate instruction in reading, including in the essential components of reading instruction as defined in Section 614(a)(5)(A) of the Individuals with Disabilities Education Act of 2004 (See Appendix A), lack of instruction in math, or limited English proficiency.

006.03D If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with Section 007 of this Chapter.

006.03E Multidisciplinary Evaluation Team Written Report (for all suspected disabilities except specific learning disabilities)

006.03E1 The team shall prepare a written report of the results of the evaluation.

006.03E2 The report shall include a statement of:

006.03E2a Whether the child qualifies as a child with a disability based on the criteria contained in 92 NAC 51-006.04 and definition contained in 92 NAC 51-003.08 with reference to the specific disability;

006.03E2b The child's educational needs;

006.03E2c The basis for making the determination; and

006.03E2d A listing of the team members.

006.03E3 Each team member shall certify in writing if the report reflects his or her conclusion. If it does not reflect his or her conclusions, the team member shall submit a separate statement presenting his or her conclusion.

006.03E4 A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent.

006.03F Multidisciplinary Evaluation Team Written Report for a Child with a Suspected Specific Learning Disability

006.03F1 The MDT shall prepare a written report of the results of the evaluation.

006.03F2 The report shall include a statement of:

006.03F2a Whether the child has a specific learning disability based on the criteria contained in 92 NAC 51-006.04K and the definition found in 92 NAC 51-003.08J.

006.03F2b The child's educational needs;

006.03F2c The basis for making the determination;

006.03F2d The relevant behavior noted during the observation of the child;

006.03F2e The relationship of that behavior to the child's academic functioning;

006.03F2f The educationally relevant medical findings, if any;

006.03F2g The determination of the team concerning the effects of environmental, cultural, or economic disadvantage; and

006.03F2h A listing of the team members.

006.03F3 Each team member shall certify in writing if the report reflects his or her conclusion. If the report does not reflect his or her conclusions, the team member shall submit a separate statement presenting his or her conclusion.

006.03F4 A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent.

006.03G For a school age student who after initial MDT evaluation does not qualify for special education services or for a student with a verified disability who upon reevaluation no longer qualifies for special education services, a problem solving team shall document a plan to assist the teacher(s) in the provision of regular education.

006.04 Eligibility for Special Education

006.04A School districts or approved cooperatives shall provide special education services only to children with verified disabilities.

006.05 Reevaluations

006.05A A school district or approved cooperative shall ensure that a reevaluation of each child with a disability is conducted in accordance with the verification procedures in Section 006 of this Chapter:

006.05A1 if the school district or approved cooperative determines that the educational or related services needs, including improved academic achievement and functional performance, or the child warrant a reevaluation; or

006.05A2 if the child's parents or teacher requests a reevaluation.

006.05B A reevaluation shall occur:

006.05B1 not more than once a year, unless the parent and the school district

or approved cooperative agree otherwise;
and

006.05B2 at least once every three years, unless the parent and the school district or approved cooperative agree that a reevaluation is unnecessary.

EVALUATION

PERSON(S) RESPONSIBLE: District Administrators, MDT Coordinator, MDT members (*Special Education Director*)

TIMELINE:

1. Notice and Consent for Evaluation will be completed in a reasonable period of time from the date of referral;
2. MDT Initial Evaluation will be completed within 60 days of receiving Parental Consent;
3. The MDT Report will be completed within **30 days** of completion of the evaluation; and

4. Consent for Reevaluation will be obtained within **45 days** prior to the MDT three year expiration date.

MATERIALS: Notice and Consent for Initial Evaluation or Reevaluation, Parent Rights Pamphlets, Complaint Procedures and Rule 55 (for Initial Evaluation), MDT Written Report Form

METHODS: The district will identify children in the following disability categories:

- Autism
- Behavioral Disorder
- Deaf-Blindness
- Developmental Delay
- Hearing Impairment
- Mental Handicap
- Multiple Impairments
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech/Language Impairment
- Traumatic Brain Injury
- Visual Impairment

PROCEDURE (IDENTIFICATION, EVALUATION AND VERIFICATION {continued})

006.06 Review of Existing Evaluation Data

006.06A As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP team and other qualified professionals as appropriate, shall:

006.06A1 review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based local or State assessments and classroom-based observations, and observations by teachers and related services providers; and

006.06A2 on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine:

006.06A2a whether the child is a child with a disability, as described in 92 NAC 51-003.08, and the educational needs of the child, or, in case of a reevaluation of a child, whether the child continues to have such a disability and such educational needs ;

006.06A2b the present levels of academic achievement and related developmental needs of the child;

006.06A2c whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

006.06A2d whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general education curriculum.

006.06B The school district or approved cooperative shall administer such assessments and other evaluation measures as may be needed to produce the data identified by the IEP team under 92 NAC 51-006.06A2.

006.06C The IEP team and other qualified professionals may conduct its review without a meeting.

006.06D If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs the school district or approved cooperative:

006.06D1 shall notify the child's parents of:

006.06D1a that determination and the reasons for the determination; and

006.06D1b the right of such parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs for the purpose of services under this Chapter.

006.06D2 The school district or approved cooperative shall not be required to conduct such an assessment unless requested to by the child's parents.

006.06E A school district or approved cooperative shall evaluate

a child with a disability in accordance with this section before determining that the child is no longer a child with a disability.

006.06E1 The evaluation described in 92 NAC 51-006.06E shall not be required before the termination of a student's eligibility under this Chapter due to graduation from secondary school with a regular high school diploma, or to exceeding the age eligibility for a free appropriate public education under Neb. Rev. Stat. 79-1126. For a child whose eligibility terminates under these circumstances, a school district or approved cooperative shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

RE-EVALUATION

PERSON(S) RESPONSIBLE: IEP members and other qualified professionals

TIMELINE: This process should begin will before the three year reevaluation date and be timed so that the review of existing evaluation data can be accomplished during the IEP meeting.

MATERIALS: Parent Notice and Consent for Reevaluation Form, Parent Rights Pamphlet, existing evaluation data, "Notice That No Additional Information Is Needed to Determine Continued Eligibility for Special Education" Form

METHODS:

1. IEP Team meets to review information available and decides on the nature of the reevaluation. Parents are a part of the IEP Team, and therefore are part of the meeting.
2. If the IEP Team determines that no additional information is required to determined continued eligibility for special education, the IEP Team documents the decision on the "Notice That No Additional Information is Needed to Determine Continued Eligibility for Special Education Services Form". Parents should receive a copy of the form within **10-15** school days of the meeting. Parents may request that a comprehensive reevaluation be conducted even if the members of the IEP Team disagree.

3. If the IEP Team decides that additional information is needed to determine

continued eligibility in special education, a Referral for Individual Evaluation Form is completed at the IEP meeting. The parents will receive a Parents Rights Pamphlet, a request for Consent to Reevaluate **45** days prior to the reevaluation date. After the reevaluation is conducted, parents will be contacted to attend the MDT meeting to determine continued eligibility for special education and related services. After the reevaluation the MDT report is written by participating team members. Parents will receive a copy of the written report within **10-15** school days.

If reevaluation results in removing a disability verification, a MDT report is completed indicating that the child no longer qualifies. When the removal of a disability verification results in a dismissal from a special education program, the MDT report shall indicate the same. A copy of the report shall be placed in the student's record and parents shall be afforded all rights under Rule 51 and the Student Assistance Team references should be completed to assist the student the student in transitioning back to general education.

PROCEDURE (IDENTIFICATION, EVALUATION AND VERIFICATION {continued})

006.07 Independent Educational Evaluation

006.07A The parents of a child with a disability have the right to obtain an independent educational evaluation of the child, subject to the provisions of 92 NAC 51-006.07.

006.07B Each school district or approved cooperative shall provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the school district's or approved cooperative's criteria applicable for independent educational evaluations.

006.07C A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district or approved cooperative.

006.07C1 Public expense means that the school district or approved cooperative either pays for the full cost of the evaluation or insures that the evaluation is otherwise provided at no cost to the parent.

006.07D If a parent requests an independent educational evaluation at public expense, the school district or approved cooperative must, without unnecessary delay, either:

006.07D1 Initiate a hearing under 92 NAC 55 to show that its evaluation is appropriate; or

006.07D2 Insure that an independent educational evaluation is provided at public expense, unless the school district or approved cooperative demonstrates at a hearing under 92 NAC 55 that the evaluation obtained by the parent did not meet school district or approved cooperative criteria.

006.07E If the school district or approved cooperative initiates a hearing and the final decision is that the school district's or approved cooperative's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

006.07F If a parent requests an independent educational evaluation, the school district or approved cooperative may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the school district or approved cooperative may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

006.07G If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

006.07G1 Must be considered by the school district or approved cooperative, if it meets school district or approved cooperative criteria, in any decision made with respect to the provision of a free appropriate public education to the child; and

006.07G2 May be presented as evidence at a hearing under 92 NAC 55 regarding that child.

006.07H If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

006.07I If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district or approved cooperative uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

006.07J Except for the criteria described in 92 NAC 51-006.07I, a

school district or approved cooperative may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

INDEPENDENT EDUCATION EVALUATION

PERSON(S) RESPONSIBLE: Special Education Teachers, Superintendent, Principal (*Special Education Director*)

TIMELINE: The district will respond to a request for an Independent Educational Evaluation within **10** days. In the case where the district approves the request for an Independent Educational Evaluation, they will provide parents with the list of the district's criteria for selecting an evaluator and a list of independent evaluators within **10** days.

MATERIALS: District criteria for selecting evaluator, list of independent evaluators, notice of approving request for an Independent Educational Evaluation or notice that district is not approving and filing for a hearing under 92 NAC 55.

METHODS: The parent will be requested to document the request through a written statement to the Director of Special Education.

The written request should contain:

1. Parental objections to the results of the district's educational evaluation;
2. Reference to the specific type(s) of evaluation requested; and
3. Consent of the parent(s)/guardian to release the personally identifiable confidential results of the evaluation to the school district.

If the decision is that an independent educational evaluation is appropriate, the parent(s)/guardian will receive written authorization from the Superintendent and/or Principal within **10** days of the written request. The parent's failure to provide a written request does not eliminate their right to an Independent Educational Evaluation.

If the district refuses to provide an Independent Educational Evaluation, the district will provide the parents with a notice of their decision. The district must file a hearing under 92 NAC 55 to prove the appropriateness of their evaluation.

The qualifications of examiners will be in accordance with 92 NAC 51. Locations of any evaluator shall be within a reasonable distance of the school district. The district will provide the parent(s) with a list of qualified agencies/evaluators within the geographic area. The evaluators will be encouraged to have their rates approved by the Nebraska Department of Education to be authorized to conduct the evaluation(s).

The district will establish maximum allowable charges for each educational assessment. Maximum allowable charges for the assessment allows the parent(s) to select from among qualified and approved professionals which will eliminate unreasonable and/or excessive fees for services. The district will provide for the parent(s) the opportunity to demonstrate that unusual circumstances justify the need for an independent evaluation which is not designated by this procedure.

If the parent(s) obtains an independent evaluation without notifying the district, the district will not assume the financial responsibility for the evaluation if the district's evaluation is determined to be appropriate by the hearing officer appointed under 92 NAC 55.

POLICY

INDIVIDUALIZED EDUCATION PROGRAM

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS ENSURES THAT AN INDIVIDUALIZED EDUCATION PROGRAM (IEP), OR AN INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) IS DEVELOPED, REVIEWED, AND REVISED FOR EACH CHILD WITH A DISABILITY IN ACCORDANCE WITH 92 NAC 51-007.

PROCEDURE

007 Individual Education Program (IEP) and Individualized Family Service Plan (IFSP)

007.01 If a determination is made that a child needs special education and related services, an individualized education program or individualized family service plan must be developed for the child. In order to fulfill the requirements of 92 NAC 51-007.01 for infants and toddlers, school districts or approved cooperative shall meet the requirements of 92 NAC 51-007.13. FAPE is provided to infants and toddlers with a disability in accordance with an IFSP, rather than an IEP. The requirements for contents of the IFSP apply rather than the requirements for the contents of an IEP. All other substantive rights and protections established under special education apply to infants and toddlers with disabilities receiving FAPE in accordance with an IFSP.

007.02 An IEP shall be developed and implemented for each resident public and nonpublic school child who receives special education and related services.

007.02A At the beginning of each school year, each school district or approved cooperative shall have an IEP in effect for each child with a verified disability within its jurisdiction.

007.02A1 In the case of a child with a disability aged 3 through 5 (or a 2-year-old child with a disability who will turn age 3 during the school year), the IEP Team shall consider the individualized family service plan that is developed in accordance with 92 NAC 51-007.13, and the individualized family service plan may serve as the IEP of the child if using that plan as the IEP is agreed to by the school district or approved cooperative and the child's parents.

007.02B Each school district or approved cooperative shall insure that an IEP is in effect before special education and related services are provided to a child with a verified disability under this Chapter and is implemented as soon as possible following the IEP meetings.

007.02C The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and

007.02D Each teacher and provider described in 92 NAC 51-007.02C must be informed of his or her specific responsibilities related to implementing the child's IEP; and the specific accommodations, modifications, and supports that must be provided

for the child in accordance with the IEP.

007.03 IEP Team Participants

007.03A The school district or approved cooperative shall insure and document that each IEP team includes the following participants:

007.03A1 the parents of a child with a disability or documentation of 92 NAC 51-007.06D;

007.03A2 not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

007.03A2a The regular education teacher of the child, as a member of the IEP team, shall, to the extent appropriate, participate in the development, review and revision of the IEP of the child, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies, and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with 92 NAC 51-007.07B4.

007.03A3 not less than one special education teacher, or where appropriate, not less than one special education provider of the child;

007.03A4 a representative of the school district or approved cooperative who:

007.03A4a is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

007.03A4b is knowledgeable about the general education curriculum; and

007.03A4c is knowledgeable about the availability of resources of the school district or approved cooperative;

007.03A4c(i) A school district or approved cooperative may designate another member of the IEP team to also serve as the school district or approved cooperative representative, if the criteria in

92 NAC 51-007.03A4 are satisfied.

007.03A5 an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in 92 NAC 51-007.03A2 through 007.03A6;

007.03A6 at the discretion of the parent or the school district or approved cooperative, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;

007.03A6a The determination of the knowledge or special expertise of any individual described in 92 NAC 51-007.03A6 shall be made by the party (parents or school district or approved cooperative) who invited the individual to be a member of the IEP.

007.03A7 whenever appropriate, the child with a disability;

007.03A8 for students attending nonpublic schools, a representative of the nonpublic schools. If the representative cannot attend, other methods shall be used to insure participation by the nonpublic school, including individual or conference telephone calls;

007.03A9 for children receiving services from an approved service agency, a representative of the service agency. If the representative is not in attendance, other methods shall be used to insure participation by the approved service agency, including written communication, or individual or conference telephone calls;

007.03A10 for students with disabilities of any age, if the purpose of the meeting is consideration of transition services:

007.03A10a The student;

007.03A10a(i) If the student does not attend, the school district or approved cooperative shall take other steps to insure that the student's preferences and interests are considered.

007.03A10b A representative of any other agency that

is likely to be responsible for providing or paying for the transition services included in the student's individualized education program.

007.03A10b(i) If an agency invited to send a representative to the meeting does not do so, the school district or approved cooperative shall take other steps to obtain the participation of the other agency in the planning of any transition services.

007.03A11 For a student verified in the category of hearing impaired, an educator endorsed to teach a child with hearing impairments.

007.03A12 For a student verified in the category of visual impairment, an educator endorsed to teach a child with visual impairments.

007.04 IEP Team Attendance

007.04A A member of the IEP Team shall not be required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the school district or approved cooperative agree that the attendance of such member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

007.04B A member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if:

007.04B1 the parent and the school district or approved cooperative consent to the excusal; and

007.04B2 the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

007.04C A parent's agreement under 92 NAC 51-007.04A and consent under 92 NAC 51-007.04B1 shall be in writing.

007.05 In the case of a child who was previously served as an infant or toddler under Part C of the Individuals with Disabilities Education Act, an invitation to the initial IEP meeting shall, at the request of the parent, be sent to the Part C service coordinator or other representative of the Part C system to assist with the smooth transition of services.

007.06 Parent Participation

007.06A The school district or approved cooperative shall take steps to insure that one or both of the parents of the child with a disability are present at the IEP conference or are afforded the opportunity to participate, including:

007.06A1 Notifying parents of the IEP conference early enough to insure that they will have an opportunity to attend; and

007.06A2 Scheduling the meeting at a mutually agreed on time and place.

007.06B The notification under 92 NAC 51-007.06A1 must indicate the purpose, time and location of the meeting and who will be in attendance and inform the parents of the provisions of 92 NAC 51-007.03A6 and 007.03A6a.

007.06B1 If the purpose of the meeting is the consideration of transition services for a student (as required by 92 NAC 51-007.07B8) the notification must also:

007.06B1a Indicate that the purpose of the meeting is:

007.06B1a(i) For a student with a disability, beginning not later than the first IEP to be in effect when the student reaches age 16, consideration of the needed transition services required in 92 NAC 51-007.07B8.

007.06B1b Indicate that the school district or approved cooperative will invite the student to the meeting; and

007.06B1c Identify any other agency that will be invited to send a representative.

007.06C If neither parent can attend, the school district or approved cooperative shall use other methods to insure parent participation, including individual or conference telephone calls.

007.06D A meeting may be conducted without a parent in attendance if the school district or approved cooperative is unable to convince the parents they should attend. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:

007.06D1 Detailed records of telephone calls made or attempted and the results of the calls;

007.06D2 Copies of correspondence sent to the parents and any responses received; and

007.06D3 Detailed records of visits made to the parent's home or place of employment and the results of those visits.

007.06E The school district or approved cooperative shall take whatever action is necessary to insure that the parent understands the proceedings of an IEP conference, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

007.06F The school district or approved cooperative shall provide a copy of the IEP to parents at no cost.

007.06G The school district or approved cooperative shall insure that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child.

007.06G1 In implementing the requirements of 92 NAC 51-007.06G, the school district or approved cooperative shall use procedures consistent with the procedures described in 92 NAC 51-007.06A, 007.06B, and 009.01A1.

007.06G2 If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the school district or approved cooperative shall use other methods to insure their participation, including individual or conference telephone calls, or video conferencing.

007.06G3 A placement decision may be made by a group without the involvement of the parents, if the school district or approved cooperative is unable to obtain the parents' participation in the decision. In this case, the school district or approved cooperative must have a record of its attempt to insure their involvement, including information that is consistent with the requirements of 92 NAC 51-007.06D.

007.06G4 The school district or approved cooperative shall make reasonable efforts to insure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English.

IEP MEETING

PERSON(S) RESPONSIBLE: IEP Case Manager, Special Education Staff, Superintendent, Principal, (*Special Education Director*)

TIMELINE: A reasonable time prior to the IEP meeting, the district will provide notice of the IEP meeting. The notification of IEP meeting should be made early enough to assure attendance by all participants.

MATERIALS: “IEP Meeting Notification” form, documentation of phone contacts or e-mails.

METHODS: Parents will be notified of IEP meeting by one of the following methods:

1. Written notification will be sent by U.S. mail.
2. Notification will be made by telephone contact, documented on the phone log.
3. Notification provided via e-mail with a copy placed in the student file.

School district IEP Team members will be notified by the IEP Case Manager.

Other IEP Team members will be sent a written notification by U.S. mail, e-mail, or by phone, documented on the phone log.

PROCEDURE (INDIVIDUALIZED EDUCATION PROGRAM {continued})

007.07 IEP Development

007.07A The Individual Education Program (IEP) is a written statement for a child with a verified disability which specifies the special education and related services necessary to assure that child a free, appropriate public education.

007.07A1 Nothing in this section shall be construed to require that additional information be included in a child's IEP beyond what is explicitly required in this section, or to require the IEP team to include information under one component of a child's IEP that is already contained in another component of such IEP.

007.07B The IEP shall include:

007.07B1 a statement of the child's present levels of academic achievement and functional performance, including:

007.07B1a how the child's disability affects the child's involvement in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or

007.07B1b for preschool children, as appropriate, how the disability affects the child's participation in appropriate

activities; and

007.07B1c for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

007.07B2 a statement of measurable annual goals, including academic and functional goals, designed to:

007.07B2a Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities, and

007.07B2b Meet each of the child's other educational needs that result from the child's disability;

007.07B3 a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

007.07B4 a statement of the special education and related services and supplementary aids and services based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child:

007.07B4a to advance appropriately toward attaining the annual goals;

007.07B4b to be involved in and progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and

007.07B4c to be educated and participate with other children with disabilities and nondisabled children in the activities described in 92 NAC 51-007.07B;

007.07B5 an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in 92 NAC 51-007.07B4;

007.07B6 a statement of any individual appropriate accommodations or modifications that are necessary to measure the academic achievement and functional performance of the child on state and district-wide assessments; and if the IEP team determines that the child shall take an alternate assessment on a particular district-wide assessment of student achievement, a statement of why:

007.07B6a the child cannot participate in the regular assessment ; and

007.07B6b the particular alternate assessment selected is appropriate for the child;

007.07B7 the projected date for the beginning of the services and modifications described in 92 NAC 51-007.05B4 and the anticipated frequency, location, and duration of those services and modifications;

007.07B8 beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter:

007.07B8a appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;

007.07B8b the transition services (including courses of study) needed to assist the child in reaching those goals; and

007.07B8c if a participating agency, other than the school district or approved cooperative fails to provide the transition services described in the IEP, the school district or approved cooperative shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

007.07B9 The plan of transportation and any special conditions necessary for safe transport of the child with a verified disability shall be part of the IEP, when applicable.

007.07C In developing, reviewing or revising each child's IEP:

007.07C1 The IEP team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child.

007.07C2 The IEP team shall consider the results of the initial evaluation or most recent evaluation of the child, and the academic, developmental, and functional needs of the child.

007.07C3 As appropriate, the IEP team shall consider the results of the child's performance on any general state and district-wide assessment programs.

007.07C4 In the case of a child whose behavior impedes his or her learning or that of others, the IEP team shall consider the use of positive behavioral interventions, and supports and other strategies to address that behavior.

007.07C5 In the case of a child with limited English proficiency, the IEP team shall consider the language needs of the child as these needs relate to the child's IEP.

007.07C6 In the case of a child who is blind or visually impaired, the IEP team shall provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child.

007.07C7 The IEP team shall consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, shall consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.

007.07C8 The IEP team shall consider whether the child needs assistive technology devices and services.

007.07D If, in considering the special factors described in 92 NAC 51-007.07C, the IEP team determines that a child needs a particular device or service (including an

intervention, accommodation, or other program modification) in order for the child to receive a free appropriate public education (FAPE), the IEP team must include a statement to that effect in the child's IEP.

007.07E Services

007.07E1 Each school district or approved cooperative shall insure that the hearing aids worn in school by children who are deaf or have hearing impairments are functioning properly.

007.07E2 Physical education services, specially designed if necessary, must be available to every child with a verified disability receiving a free, appropriate public education.

007.07E2a Each child with a verified disability must be afforded the opportunity to participate in the regular physical education program available to children with disabilities unless:

007.07E2a(i) The child is enrolled full time in a separate facility; or

007.07E2a(ii) The child needs specially designed physical education as prescribed in the child's individualized education program.

007.07E2b If specially designed physical education is prescribed in a child's individualized education program, the school district or approved cooperative responsible for the education of that child shall provide the services directly, or make arrangements for it to be provided through other public or nonpublic programs.

007.07E2c The school district or approved cooperative responsible for the education of a child with a verified disability who is enrolled in a separate facility shall insure that the child receives appropriate physical education services.

007.07E3 Each school district or approved cooperative shall insure assistive technology devices or assistive technology services, or both, as defined in 92 NAC 51-003.04 and 003.05 are made available to any child with a disability if required, as part of the child's:

007.07E3a Special education under 92 NAC 51-003.59;

007.07E3b Related services under 92 NAC 51-003.50; or

007.07E3c Supplementary aids and services under 92 NAC 51-003.61 and 008.01A.

007.07E3d On a case by case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP team determines that the child needs access to those devices in order to receive a free appropriate public education.

007.07E4 Extended School Year Services (ESY)

007.07E4a Each school district or approved cooperative shall insure that extended school year services are available as necessary to provide a free appropriate public education consistent with 92 NAC 51-007.07E4b.

007.07E4b Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with Section 007, that the services are necessary for the provision of a free appropriate public education.

007.07E4c In implementing the requirements of this section, a school district or approved cooperative may not: limit extended school year services to particular categories of disability; or unilaterally limit the type, amount, or duration of those services.

007.07E5 The need for related services of an instructional nature shall be documented on the IEP or IFSP present level of performance, goals, and objectives, and shall be based on documented diagnostic evidence. Determination of the need for a related service for a child with a verified disability does not require the additional verification of a secondary disability.

007.08 Programs for Children who Transfer School Districts or Approved Cooperatives

007.08A Transfer within the same state – In the case of a child with a disability who transfers school districts or approved

cooperatives within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in Nebraska, the school district or approved cooperative shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the school district or approved cooperative adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with Federal and State law.

007.08B Transfer from outside the state – In the case of a child with a disability who transfers school districts or approved cooperatives within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in another State, the school district or approved cooperative shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the school district or approved cooperative conducts an evaluation, if determined to be necessary by such school district or approved cooperative and develops a new IEP, if appropriate, that is consistent with Federal and State law.

007.08C Transmittal of records – To facilitate the transition for a child who transfers schools:

007.08C1 the new school in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school in which the child was enrolled, pursuant to Section 99.31(a)(2) of Title 34, Code of Federal Regulations; and

007.08C2 the previous school in which the child was enrolled shall take reasonable steps to promptly respond to such request from the new school.

007.08C3 Neb. Rev. Stat. 79-2,105 requires that a copy of a public or private school's files or records concerning a student shall be provided at no charge, upon request, to any public or private school to which the student transfers.

007.09 IEP Meeting

007.09A The school district or approved cooperative is responsible for initiating and conducting meetings for the purpose of developing, reviewing and

revising an IEP for a child with a verified disability.

007.09A1 Before a school district or approved cooperative places a child with a disability in, or refers a child to, a nonpublic school or facility, the school district or approved cooperative shall initiate and conduct a meeting to develop an IEP for the child in accordance with Section 007.

007.09A2 After a child with a disability enters a nonpublic school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the nonpublic school or facility at the discretion of the school district or approved cooperative.

007.09A3 If the nonpublic school or facility initiates and conducts these meetings, the school district or approved cooperative shall insure that the parents and nonpublic representative:

007.09A3a Are involved in any decision about the child's IEP; and

007.09A3b Agree to any proposed changes in the IEP before those changes are implemented.

007.09B An IEP meeting must be held within thirty (30) calendar days of the initial verification of the child's disability.

007.09C After the initial IEP meeting, IEPs must be in effect at the beginning of each school year.

007.09D The IEP team shall review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved.

007.09E In making changes to a child's IEP after the annual IEP meeting for a school year, the parent of a child with a disability and the school district or approved cooperative may agree not to convene an IEP meeting for the purposes of making such changes, and instead may develop a written document to amend or modify the child's current IEP.

007.09F To the extent possible, the school district or approved cooperative shall encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

007.09G When conducting IEP team meetings and placement meetings and carrying out administrative matters (such as scheduling, exchange of witness lists, and

status conferences), the parent of a child with a disability and a school district or approved cooperative may agree to use alternative means of meeting participation, such as video conferences and conference calls.

007.10 The IEP team shall revise the IEP as appropriate to address:

007.10A any lack of expected progress toward the annual goals described in 92 NAC 51-007.07 and in the general education curriculum, where appropriate

007.10B the results of any reevaluation conducted under 92 NAC 51-006.05A;

007.10C the information about the child provided to, or by, the parents, as described in 92 NAC 51-006.06A1;

007.10D the child's anticipated needs; or

007.10E other matters.

007.11 IEP Accountability

007.11A School districts or approved cooperatives must provide special education and related services to a child with a disability in accordance with the child's IEP and make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

007.11B This Chapter does not require that any school district or approved cooperative, teacher, or other person be held accountable if a child does not achieve the growth projected in the annual goals and benchmarks or objectives. However, this Chapter does not prohibit a school district or approved cooperative from establishing its own accountability systems regarding teacher, school or school district or approved cooperative performance.

007.11C Nothing in 92 NAC 51-007.11 limits a parent's right to ask for revisions of the child's IEP or to invoke due process procedures if the parent feels that the efforts required in 92 NAC 51-007.11A are not being made.

IEP

PERSON(S) RESPONSIBLE:

1. District administration, in cooperation with the ESU Special Education Director, is responsible for all IEP procedures and forms.
2. IEP Case Manager is responsible for facilitating the IEP meeting, recording

decisions made by the IEP Team on the IEP form and maintaining notes of the IEP meeting.

3. IEP Team is responsible for the development of IEP.

TIMELINE: The IEP must be in effect at the beginning of each school year. The IEP meeting will be conducted within 30 calendar days of the MDT verification decision. A copy of the IEP will be provided to parents within **10-15** days of the IEP meeting.

MATERIALS: IEP Form

METHODS: The district will follow the procedures described in 92 NAC 51-007 for the development of the IEPs and the conduct of the IEP meetings.

POLICY

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS ENSURES THAT CHILDREN PARTICIPATING IN EARLY INTERVENTION SERVICES EXPERIENCE A SMOOTH AND EFFECTIVE TRANSITION TO SERVICES PROVIDED UNDER PART B OF THE IDEA.

PROCEDURE (INDIVIDUALIZED EDUCATION PROGRAM {continued})

007.13B9 The steps to be taken to support the transition of the child to preschool services to the extent that those services are considered appropriate, or other services that may be available, if appropriate.

007.13B9a The steps include:

007.13B9a(i) discussions with, and training of, parents regarding future placements and other matters related to the child's transition;

007.13B9a(ii) procedures to prepare the child for changes in the service delivery, including steps to help the child adjust to, and function in, a new setting; and

007.13B9a(iii) with parental consent, the transmission of information about the child to ensure continuity of services, including evaluation and copies of IFSPs that have been developed and implemented.

007.13B10 A statement of the necessary assistive technology devices and services needed by the infant or toddler.

007.17 Early Intervention Transition

007.17A The agency contracting for services coordination is responsible for convening, with the approval of the child's family, a conference including the family, school district or approved cooperative and other agencies as needed at least 90 days (and at the discretion of all such parties, up to nine months) before the child's third birthday or at least 90 days before completion of the early intervention program. The purpose of the meeting is to:

007.17A1 Insure a smooth and effective transition to preschool programs assisted under Part B of the IDEA to the extent those services are appropriate, or other services that may be available, if appropriate;

007.17A2 Review the child's program options for the period from the child's third birthday through the remainder of the school year;

007.17A3 Describe how the family will be included in the transition plans; and

007.17A4 Establish a transition plan.

007.17B In the case of a child who has reached his or her third birthday, an IFSP that contains the material described in 92 NAC 51-007.13 and that is developed in accordance with 92 NAC 51-007.02, 007.03, 007.06, 007.07C, 007.09, 007.10 and 007.11 may serve as the IEP of the child if using that plan is agreed to by the school district or approved cooperative and the child's parents.

007.17B1 In implementing the requirements of 92 NAC 51-007.17B the school district or approved cooperative shall;

007.17B1a provide the child's parents a detailed explanation of the differences between an IFSP and an IEP; and

007.17B1b if the parents choose an IFSP, obtain written informed consent from the parents.

PERSON(S) RESPONSIBLE: The Service Coordinator in conjunction with the Early Childhood Teacher

TIMELINE: The district will convene a meeting, including the family and district, at least 90 days and at the discretion of all parties, up to six months before the child's third birthday or at least 90 days before completion of the early intervention program.

MATERIALS: IFSP Form and the IEP Form

METHODS: The district will follow the procedures described in 92 NAC 51-007.17 when transitioning children from early intervention to preschool programs.

POLICY

PARTICIPATION IN ASSESSMENTS

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS ENSURES THAT CHILDREN WITH DISABILITIES ARE INCLUDED IN DISTRICT-WIDE ASSESSMENT PROGRAMS, WITH APPROPRIATE ACCOMMODATIONS, WHERE NECESSARY. AS APPROPRIATE, THE SCHOOL DISTRICT DEVELOPS GUIDELINES FOR THE PARTICIPATION OF CHILDREN WITH DISABILITIES IN ALTERNATE ASSESSMENTS FOR THOSE CHILDREN WHO CANNOT PARTICIPATE IN DISTRICT-WIDE ASSESSMENTS AND DEVELOPS AND CONDUCTS THOSE ALTERNATE ASSESSMENTS. PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS WILL MAKE AVAILABLE TO THE NEBRASKA DEPARTMENT OF EDUCATION THE INFORMATION NECESSARY TO CARRY OUT ITS DUTIES RELATING TO THE REPORTING OF CHILDREN WITH DISABILITIES PARTICIPATION IN ASSESSMENTS.

PROCEDURE

004.05 Participation in Assessments

004.05A School districts shall include all students with disabilities in all general state and district-wide assessment programs, including assessments described under section 612(a)(16)(A) of the Individuals with Disabilities Education Act of 2004 (See Appendix A), with appropriate accommodations, modifications and alternate assessments where necessary and as indicated in their respective individualized education programs.

004.05B In the case of a district-wide assessment, the school district shall develop guidelines for the provision of appropriate accommodations and modifications.

004.05C In the case of a district-wide assessment, the school district shall develop and implemented guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments under 92 NAC 51-004.05A with accommodations or modifications as indicated in their respective individualized education programs. The guidelines shall provide for alternate assessments that:

004.05C1 are aligned with the Nebraska Department of Education's challenging academic content standards and challenging student

academic achievement standards; and

007.07B6 a statement of any individual appropriate accommodations or modifications that are necessary to measure the academic achievement and functional performance of the child on state and district-wide assessments; and if the IEP team determines that the child shall take an alternate assessment on a particular district-wide assessment of student achievement, a statement of why:

007.07B6a the child cannot participate in the regular assessment; and

007.07B6b the particular alternate assessment selected is appropriate for the child;

004.05D School districts shall make available to the public, and report to the public with the same frequency and in the same detail as they report on the assessment of nondisabled children, the following:

004.05D1 The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations in order to participate in these assessments.

004.05D2 The number of children with disabilities participating in alternate assessments described in 92 NAC 51-004.05C1.

004.05D3 The number of children with disabilities participating in alternate assessments described in 92 NAC 51-004.05C2.

004.05D4 The performance results of children with disabilities on regular assessments and on alternate assessments (if the number of children with disabilities participating is sufficient to yield statistically reliable information and reporting that information will not reveal personally identifiable information about an individual student), compared with the achievement of all children, including children with disabilities, on those assessments.

004.05D5 Reports to the public under 92 NAC 51-004.05D must include:

004.05D5a aggregated data that include the performance of children with disabilities together with all other children; and

004.05D5b disaggregated data on the performance of children with disabilities.

PERSON(S) RESPONSIBLE: Superintendent, Principal and IEP Team

TIMELINE: Administration of student assessments will follow the timeline used for the assessment of all students in the district.

MATERIALS: Student's IEP, District-wide Assessment Forms

METHODS: All students will have the opportunity to attempt any or all portions of the district-wide assessments. Students with disabilities will participate in one of the following ways:

1. District-wide and state assessment with no accommodations; or
2. District-wide and state assessment with accommodations.
3. Use of an alternate assessment.

Alternate assessment will be determined by the IEP Team. Alternate assessments will be conducted to correspond with the timeline of state and district-wide assessment for each grade level.

The individual student's IEP Team will determine how the student will participate in district-wide assessment. If necessary, the IEP Team will list the appropriate accommodations necessary for the student to participate.

REPORTING PROCEDURES

PERSON(S) RESPONSIBLE: Superintendent, Principal

TIMELINE: Reports will be completed and submitted to NDE on a timeline determined by NDE. Reports to the public will be made available on the same timeline as for reporting general education results.

MATERIALS: Reporting format developed by NDE be made annually. Reports to newspapers and school publications sent to parents.

METHODS: Assessment information for all students will be reported in two ways. First, data on the student with disabilities will be aggregated with all other student data. Second, data for students with disabilities and students without disabilities will be reported separately.

POLICY

LEAST RESTRICTIVE ENVIRONMENT

TO THE MAXIMUM EXTENT APPROPRIATE, CHILDREN WITH DISABILITIES, INCLUDING CHILDREN IN PUBLIC AND NONPUBLIC INSTITUTIONS OR OTHER CARE FACILITIES, ARE EDUCATED WITH CHILDREN WHO ARE NOT DISABLED, AND SPECIAL CLASSES, SEPARATE SCHOOLING, OR OTHER REMOVAL OF CHILDREN WITH DISABILITIES FROM THE REGULAR EDUCATION ENVIRONMENT OCCURS ONLY WHEN THE NATURE OR SEVERITY OF THE DISABILITY OF A CHILD IS SUCH THAT EDUCATION IN REGULAR CLASSES WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES CANNOT BE ACHIEVED SATISFACTORILY.

IF PLACEMENT IN A PUBLIC OR NON-PUBLIC 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, MUST BE AT NO COST TO THE PARENTS OF THE CHILD.

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS ENSURES THAT CHILDREN WITH DISABILITIES HAVE AVAILABLE TO THEM THE VARIETY OF EDUCATIONAL PROGRAMS AND SERVICES AVAILABLE TO NON-DISABLED CHILDREN, INCLUDING ART, MUSIC, INDUSTRIAL ARTS, CONSUMER AND HOMEMAKING EDUCATION AND VOCATIONAL EDUCATION.

PROCEDURE

008 Placement of Children With Disabilities

008.01 Least Restrictive Environment (LRE) Requirements

008.01A The school district shall establish policies and procedures to assure that, to the maximum extent appropriate, children with disabilities including children in public or nonpublic schools and approved service agencies are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

008.01B Before any action is taken with respect to the initial placement of a child with disabilities, the school district or approved cooperative shall be responsible for the provision of a comprehensive individual multidisciplinary evaluation of the child's development and educational needs. For infants and toddlers, early intervention services may begin prior to completion of a full and individual initial evaluation in accordance with 92 NAC 51-007.18.

008.01C In interpreting the information on the child's individual education plan (IEP) or IFSP to make placement decisions, each school district shall:

008.01C1 Draw upon the information from the child's present level of development or educational performance, physical condition, social or

cultural background and adaptive behavior;

008.01C2 Insure that information obtained from all of these sources is documented and carefully considered;

008.01C3 Insure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

008.01C4 Insure that the placement decision is made in conformity with the least restrictive environment requirements in 92 NAC 51-008.01 and based on the child's unique needs and not on the child's disability.

008.01D Each school district or approved cooperative shall assure an array of special education placement options are available. Those options shall include: instruction in regular classes; supplemental services such as resource room; itinerant instruction or consultative services to be provided in conjunction with regular class placement; special classes; special schools; home instruction and instruction in hospitals and institutions.

008.01E The school district shall insure that the educational placement of a child with a verified disability:

008.01E1 Is determined at least annually;

008.01E2 Is based on his or her individual education program (IEP); and

008.01E3 Is as close as possible to the child's home.

008.01F The various array of placement options included under 92 NAC 51-008.01D must be available to the extent necessary to implement the individual education program for each child with a verified disability;

008.01G Unless a child's IEP or IFSP requires some other arrangement, the child must be educated in the school which he or she would attend if not disabled.

008.01H In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the child or on the quality of services which he or she needs.

008.01H1 A child with a disability must not be removed

from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

008.011 The school district shall take steps to provide nonacademic and extracurricular services and activities including meals and recess periods, in the manner necessary to afford each school age student with a verified disability an equal opportunity for participation in those services and activities with students who are not disabled to the maximum extent appropriate to meet the needs of each child.

008.0111 Nonacademic and extra-curricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district or approved cooperative, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district or approved cooperative and assistance in making outside employment available.

008.02 Placement Requirements

008.02A School districts may place a child with verified disabilities in special education programs provided;

008.02A1 Written consent to initially place the child in the proposed program is obtained from the parent; or

008.02A2 An order to place the child in the proposed program is obtained from a Department of Education appointed hearing officer or court of competent jurisdiction.

008.03 Natural Environments

008.03A To the maximum extent appropriate to the needs of the child, early intervention services must be provided in natural environments including home and community settings in which children without disabilities participate.

008.03B The provision of early intervention services for any infant or toddler may occur in a setting other than a natural environment only if early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.

LEAST RESTRICTIVE ENVIRONMENT

PERSON(S) RESPONSIBLE: Principal, IEP/IFSP Team (*Special Education Director*)

TIMELINE: Students will begin receiving special education and related services within five (5) days of receipt of Parental Consent for Placement based upon the IEP/IFSP.

MATERIALS: IEP/IFSP Form, Parental Notice and Consent for Initial Placement Form

METHODS: The IEP/IFSP Team will consider all placement options prior to the placement of a student.

The placements may range from regular classroom instruction for the entire school day with modifications to the regular instructional program to other settings dictated by student needs. The district may also develop additional placement alternatives within the overall school program that are tailored to the needs of the individual student with disabilities. This placement may be developed by adapting or modifying existing placement alternatives based on the needs of the individual student with disabilities. For infants and toddlers, service must be provided in natural environments except for those limited situations in which the child's needs dictate a different environment.

When making the placement decision the team shall:

1. Review and discuss past educational experiences;
2. Review current levels of educational performance;
3. Review current education needs as documented on the IEP/IFSP; and
4. Review and formulate a preliminary configuration of special education and related service options.
5. Review and compare the options identified in (4) above with the need for LRE. To achieve this, the IEP/IFSP Team will select the special education placement that allows for the implementation of the IEP/IFSP while educating the student to the maximum extent appropriate with non-disabled peers. The team shall prepare written justification for the appropriate placement selected and document in writing why other options were not selected.

The district will provide written notice to parents and obtain written consent from parents prior to initial placement. If the district has made available an appropriate special education program in accordance with Rule 51 for a student with a disability, and the student's parents choose to unilaterally place the child in a different setting, the district is not required to pay for the child's education in the alternative setting.

POLICY CHILDREN IN NONPUBLIC SCHOOLS

TO THE EXTENT CONSISTENT WITH THE NUMBER AND LOCATION OF CHILDREN WITH DISABILITIES WHO ARE ENROLLED BY THEIR PARENTS IN NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS, PROVISION IS MADE FOR THE PARTICIPATION OF THOSE CHILDREN IN SPECIAL EDUCATION AND RELATED SERVICES IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED IN 92 NAC 51.

PALMYRA DISTRICT OR-1 PUBLIC SCHOOL'S POLICY RELATING TO CHILDFIND ACTIVITIES APPLIES WITH RESPECT TO CHILDREN WITH DISABILITIES WHO ARE ENROLLED IN NONPUBLIC, INCLUDING PAROCHIAL, ELEMENTARY AND SECONDARY SCHOOLS.

CHILDREN WITH DISABILITIES IN NONPUBLIC SCHOOLS AND FACILITIES ARE PROVIDED SPECIAL EDUCATION AND RELATED SERVICES IN ACCORDANCE WITH AN INDIVIDUALIZED EDUCATION PROGRAM, AT NO COST TO THEIR PARENTS, IF THE CHILD IS PLACED IN, OR REFERRED TO NONPUBLIC SCHOOLS OR FACILITIES BY PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS AS A MEANS OF CARRYING OUT THE REQUIREMENTS OF IDEA OR ANY OTHER APPLICABLE LAW REQUIRING THE PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES TO ALL CHILDREN WITH DISABILITIES. CHILDREN SERVED BY NONPUBLIC SCHOOLS OR FACILITIES AS A RESULT OF A REFERRAL BY THE PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS WILL HAVE ALL THE RIGHTS THEY WOULD HAVE IF SERVED BY THE PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS.

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS IS NOT REQUIRED TO PAY FOR THE COST OF EDUCATION, INCLUDING SPECIAL EDUCATION AND RELATED SERVICES, OF A CHILD WITH A DISABILITY AT A NONPUBLIC SCHOOL OR FACILITY IF PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS MADE A FREE APPROPRIATE PUBLIC EDUCATION AVAILABLE TO THE CHILD AND THE PARENTS ELECTED TO PLACE THE CHILD IN SUCH NONPUBLIC SCHOOL OR FACILITY.

IF THE PARENTS OF A CHILD WITH A CHILD WITH A DISABILITY, WHO PREVIOUSLY RECEIVED SPECIAL EDUCATION AND RELATED SERVICES UNDER THE AUTHORITY OF THE PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS, ENROLL THE CHILD IN A NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL WITHOUT THE CONSENT OF OR REFERRAL BY THE PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS, OR A COURT OR A HEARING OFFICER MAY REQUIRE THE PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS TO REIMBURSE THE PARENTS FOR THE COST OF THE ENROLLMENT IF THE COURT OR HEARING OFFICER FINDS THAT THE PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS HAD NOT MADE AVAILABLE A FREE APPROPRIATE PUBLIC EDUCATION TO THE CHILD IN A TIMELY MANNER PRIOR TO THAT ENROLLMENT.

THE COST OF THE REIMBURSEMENT MAY BE REDUCED OR DENIED IF AT THE MOST RECENT IEP MEETING THAT THE PARENTS ATTENDED PRIOR TO THE REMOVAL OF THE CHILD FROM THE PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS, THE PARENTS DID NOT INFORM THE IEP TEAM THAT THEY WERE REJECTING THE PLACEMENT PROPOSED BY THE DISTRICT TO PROVIDE A FREE APPROPRIATE PUBLIC EDUCATION TO THEIR CHILD, INCLUDING STATING THEIR CONCERNS AND THEIR INTENT TO ENROLL THEIR CHILD IN A NONPUBLIC SCHOOL AT PUBLIC EXPENSE; OR 10 BUSINESS DAYS (INCLUDING ANY HOLIDAYS THAT OCCUR ON A BUSINESS DAY), PRIOR TO THE REMOVAL OF THE CHILD FROM THE SCHOOL DISTRICT, THE PARENTS DID NOT GIVE WRITTEN NOTICE TO THE PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS OF THE INFORMATION REQUIRED ABOVE. THE COST OF REIMBURSEMENT WILL NOT BE REDUCED OR DENIED FOR FAILURE TO PROVIDE THE INFORMATION REQUIRED ABOVE. THE COST OF REIMBURSEMENT WILL NOT BE REDUCED OR DENIED FOR FAILURE TO PROVIDE THE INFORMATION REQUIRED IF THE PARENT IS ILLITERATE AND CANNOT WRITE IN ENGLISH, IF COMPLIANCE WITH THE REQUIREMENT WOULD LIKELY RESULT IN PHYSICAL OR SERIOUS EMOTIONAL HARM TO THE CHILD, IF THE SCHOOL PREVENTED THE PARENT FROM PROVIDING THE INFORMATION OR IF THE PARENTS HAD NOT RECEIVED NOTICE REQUIRED BY 92 NAC 51-009 OF THE PARENTS RESPONSIBILITY TO PROVIDE NOTICE TO THE PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS.

THE REIMBURSEMENT MAY ALSO BE REDUCED OR DENIED IF PRIOR TO THE PARENTS REMOVAL OF THE CHILD FROM PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS, THE SCHOOL DISTRICT INFORMED THE PARENTS, THROUGH THE NOTICE REQUIREMENTS DESCRIBED IN 92 NAC 51-009, OF ITS INTENT TO

EVALUATE THE CHILD (INCLUDING A STATEMENT OF THE PURPOSE OF THE EVALUATION WAS THAT APPROPRIATE AND REASONABLE), BUT THE PARENTS DID NOT MAKE THE CHILD AVAILBLE FOR THE EVALUATION.

THE REIMBURSEMENT MAY ALSO BE REDUCED OR DENIED UPON A JUDICIAL FINDING OF UNREASONABLENESS WITH RESPECT TO ACTIONS TAKEN BY THE PARENTS.

PROCEDURE

015.01 Children Placed In or Referred To a Nonpublic School or Facility by the School District As a Means of Providing Special Education and Related Services

015.01A School districts shall insure that a child with a disability who is placed in or referred to a nonpublic school or facility by a school district:

015.01A1 is provided special education and related services in conformance with an IEP that meets the requirements of Section 007 at no cost to the parents;

015.01A2 is provided an education that meets the standards including the requirements of this Chapter, that apply to education provided by the school district; and

015.01A3 has all of the rights of a child with a disability who is served by a school district.

015.01B School districts shall disseminate copies of applicable standards to each nonpublic school and facility to which the school district has referred or placed a child with a disability.

013.01 Special education programs and support services may be provided by contracting with another school district, approved cooperative, or with a Department of Education provisionally approved service provider. Responsibility for compliance with state and federal regulations for programs for children with disabilities remains with the school district.

013.02 The school district of residence shall be responsible for the development and maintenance of the IEP, and the participation in all IEP meetings and shall assure that IEP meetings are arranged with the contracted program and the parents. Such arrangements may include meetings with the contracted program, the school district, and the parent. Meetings may occur within the district, at the contracted program site or another site if more appropriate. For infants and toddlers the school district of residence shall be responsible for meeting the requirements of 92 NAC 51-007.13 through 92 NAC 51-007.19.

PERSON(S) RESPONSIBLE: Principal, IEP Case Manager, Special Education Teacher (*Special Education Director*)

TIMELINE: Ongoing

MATERIALS: Contract with the nonpublic school, district forms

METHODS: The district has adopted the state standards and will provide copies of L.E.A.R.N.S. to contracted agencies. Once a contract has been arranged, a case manager from the district is designated who will arrange meetings with parents, district representative and the contracting agency. All necessary paperwork and proper procedures are completed through the direction of the case manager, the IEP Team, and the contracted school representative.

PROCEDURE (CHILDREN IN NONPUBLIC SCHOOLS {continued})

015.02 Children Placed In a Nonpublic School by Parents As a Means of Obtaining Special Education and Related Services; FAPE is At Issue

015.02A This Chapter does not require a school district to pay for the cost of education, including special education and related services, of a child with a disability at a nonpublic school or facility if that school district made FAPE available to the child and the parents elected to place the child in a nonpublic school or facility as a means of obtaining special education and related services. However, the school district shall include that child in the population whose needs are addressed consistent with 92 NAC 51-015.03.

015.02B Disagreements between a parent and a school district regarding the availability of a program appropriate for the child, and the question of financial responsibility, are subject to the due process procedures of 92 NAC 55.

015.02B1 If the parents of a child with a disability, who previously received special education and related services under the authority of the school district, enroll the child in a nonpublic preschool, elementary or secondary school without the consent or referral by the school district, a court or a hearing officer may require the school district to reimburse the parents for the cost of that enrollment if the

court or hearing officer finds that the school district had not made a free appropriate public education available to the child in a timely manner prior to that enrollment and that the private placement is appropriate.

015.02B1a A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the State standards that apply to education provided by the school district.

015.02C The cost of reimbursement described in 92 NAC 51-015.02B1 may be reduced or denied if:

015.02C1 at the most recent IEP meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the school district to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a nonpublic school at public expense; or

015.02C2 at least 10 business days (including any holidays that occur on a business day), prior to the removal of the child from the public school, the parents did not give written notice to the school district of the information described in 92 NAC 51-015.02C1; or

015.02C3 prior to the parents removal of the child from the public school, the school district informed the parents, through the notice requirements described in 92 NAC 51-009.03, of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation; or

015.02C4 upon a judicial finding of unreasonableness with respect to actions taken by the parents.

015.02D Notwithstanding the notice requirements of 92 NAC 51-015.02C1 and 015.02C2 the cost of reimbursement shall not be reduced or denied for failure to provide the notice if: the parent is illiterate and cannot write in English; compliance with 92 NAC 51-015.02C1 and 015.02C2 would likely result in physical or serious emotional harm to the child; the school prevented the parent from providing such notice, or

the parents had not received prior written notice, of the parents' responsibility to provide such notice to the school districts as required by 92 NAC 51-009.03.

PERSON(S) RESPONSIBLE: Superintendent, Principal, IEP Case Manager, Special Education Teacher (*Special Education Director*)

TIMELINE: Ongoing

MATERIALS: Appropriate district forms

METHODS: Disagreements between parents and the school district whether or not the school district has a program available, or regarding the question of responsibility, are subject to the appeal procedures established in Rule 55.

PROCEDURE (CHILDREN IN NONPUBLIC SCHOOLS {continued})

015.03 Children Enrolled In a Nonpublic School by Parents If FAPE Is Not At Issue

015.03A As used in 92 NAC 51-015.03, nonpublic school children with disabilities means children with disabilities enrolled by their parents in nonpublic school or facilities other than children with disabilities covered under 92 NAC 51-015.01.

015.03B The school district shall locate, identify, evaluate and provide special education and related services for all children with disabilities attending nonpublic schools, including children residing in the jurisdiction of the school district who attend religiously affiliated schools, in accordance with 92 NAC 51-006.01A, 004.01, and 004.08. The activities undertaken to carry out this responsibility for children with disabilities attending nonpublic schools must be comparable to activities undertaken for children with disabilities in public

schools.

015.03C The school district shall consult with appropriate representatives of nonpublic school children with disabilities on how to carry out the activities described in 92 NAC 51-015.03B.

015.04 Services provided to nonpublic school children with disabilities may be provided on-site at a child's nonpublic school, including a religious school, to the extent consistent with law.

PERSON(S) RESPONSIBLE: Principal, IEP Case Manager, Nonpublic School Representative (*Special Education Director*)

TIMELINE: Ongoing

METHODS: A nonpublic school student may participate in the public school's special education programs provided the student has been verified by a MDT and the parent is a resident of the district. The IEP for nonpublic school students shall be developed according to the policies and procedures adopted by the district. Special education and related services to nonpublic school students with disabilities may be provided at the public school, the nonpublic school, or a neutral site.

PROCEDURE (CHILDREN IN NONPUBLIC SCHOOLS {continued})

015.05 Transportation

015.05A If necessary for the child to benefit from or participate in the services provided under this Chapter, a nonpublic school child with a disability must be provided transportation:

015.05A1 from the child's school or the child's home to a site other than the nonpublic school; and

015.05A2 from the service site to the nonpublic school, or to the child's home, depending on the timing of the services.

015.05B School districts are not required to provide transportation from the child's home to the nonpublic school.

PERSON(S) RESPONSIBLE: Superintendent, IEP Case Manager, (*Special Education Director*)

TIMELINE: Ongoing

MATERIALS: IEP Form, Parent Procedures-Reimbursement Claim Form, Rules for Transportation of Students

METHODS: Students who attend nonpublic schools, but receive special education at the public school or a neutral site other than the public school, will be transported by district vehicles. If district vehicle service is not available, the school district will contract with a licensed common carrier for transportation services. If the parents select to transport eligible students, the district will reimburse parents at the rate approved by the Nebraska Department of Education for actual miles traveled from the nonpublic school to the school district site or a neutral site, following the most direct route. The district will not provide transportation to a nonpublic school enrolled child from child's home to the nonpublic school. Transportation eligibility will be determined by the student's IEP Team. The plan for transportation for the student shall be part of the IEP.

PROCEDURE (CHILDREN IN NONPUBLIC SCHOOLS {continued})

015.06 A school district may lease a classroom in a nonpublic school building. If properly drafted, the lease transforms the classroom into a public school classroom during the times covered by the lease. The board of education of a public school district may offer the special education programs enumerated in Neb. Rev. Stat. 79-1127 in a leased classroom in a nonpublic school building. It does not, however, have an unqualified legal duty to do so.

015.07 A school district may not use special education funds for classes that are organized separately on the basis of school enrollment or religion of the children if:

015.07A the classes are at the same site; and

015.07B the classes include children enrolled in public schools and children enrolled in nonpublic schools.

015.08 A school district may not use special education funds to finance the existing level of instruction in a nonpublic school or to otherwise benefit the nonpublic school.

015.08A A school district shall use the special education funds to meet the specific needs of children enrolled in nonpublic schools, rather than:

015.08A1 the needs of a nonpublic school; or

015.08A2 the general needs of the children enrolled in a

nonpublic school.

015.09 A school district may use special education funds to make public personnel available in other than public facilities:

015.09A to the extent necessary to provide services designed for students enrolled in a nonpublic school;

015.09B if those benefits are not normally provided by the nonpublic school.

015.10 A school district may use special education funds to pay for the services of an employee of the nonpublic school if:

015.10A the employee performs the services outside of his or her regular hours of duty; and

015.10B the employee performs the services under public supervision and control.

015.11 A school district may place equipment and supplies in a nonpublic school for the period of time needed for the provision of special education and related services.

015.11A The school district shall insure that the equipment or supplies placed in a nonpublic school:

015.11A1 are used only for the purpose of providing special education and related services; and

015.11A2 can be removed from the nonpublic school without remodeling the nonpublic school facilities.

015.11B The school district shall remove equipment or supplies from a nonpublic school if:

015.11B1 the equipment or supplies are no longer needed for the purpose of providing special education and related services; or

015.11B2 removal is necessary to avoid use of the equipment or supplies for other than special education purposes.

015.11C A school district shall insure that special education funds are not used for repairs, minor remodeling or the construction of nonpublic school facilities.

015.11D A school district must keep title to and exercise continuing administrative control of all property, equipment, and supplies that the school district acquires with special education funds for the benefit of nonpublic school children with disabilities.

PERSON(S) RESPONSIBLE: Superintendent, Principal

TIMELINE: Ongoing

MATERIALS: Lease Form, list of equipment and supplies provided to nonpublic school

METHODS: The district will follow the procedure described in 92 NAC 51-015 when providing services to children attending nonpublic school.

POLICY

PROCEDURAL SAFEGUARDS

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS ENSURES THAT CHILDREN WITH DISABILITIES AND THEIR PARENTS ARE AFFORDED THE PROCEDURAL SAFEGUARDS REQUIRED IN 92 NAC 51-009.

CONFIDENTIALITY

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS COMPLIES WITH THE REQUIREMENTS CONTAINED IN 92 NAC 51-009 RELATING TO THE CONFIDENTIALITY OF RECORDS AND INFORMATION.

PROCEDURE

009 Procedural Safeguards

009.01 Meeting Notification and Accessibility and Confidentiality of Records

009.01A School districts shall provide notification consistent with 92 NAC 51-007.06 to insure that parents of children with disabilities have the opportunity to participate in meetings for the purposes of identification, evaluation, educational placement and FAPE.

009.01A1 A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

009.01B All school districts, approved cooperatives, and provisionally approved service providers with whom the school district shares personally identifiable data shall be bound by the accessibility and confidentiality requirements of this section.

009.01C The parents of a child with a disability or the child with a disability, if the child has attained eighteen years of age, (type and severity of the child's disability shall be taken into consideration) shall be afforded an opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child or the provision of early intervention services to infants and toddlers.

009.01D Access Rights

009.01D1 Each participating agency shall permit parents to inspect and review any education records relating to their children which are collected, maintained or used by the participating agency. The participating agency shall comply with such a request without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the child, and in no case more than 45 days after the request has been made.

009.01D1a As used in 92 NAC 51-009.01, participating agency means any agency or institution that collects, maintains or uses personally identifiable information or, from which, information is obtained under this Chapter.

009.01D2 The right to inspect and review education records includes:

009.01D2a The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records; and

009.01D2b The right to request that the participating agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

009.01D2c The right to have a representative of the parent inspect and review the records.

009.01D3 A service agency may presume that the parent has authority to inspect and review records relating to his or her child unless the service agency has been advised that the parent does not have the authority under applicable Nebraska law governing such matters as guardianship, separation and divorce.

009.01E Record of Access

009.01E1 Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used (except access by parents and authorized employees of the participating service agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

009.01F Records On More Than One Child

009.01F1 If any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific

information.

009.01G List of Types and Locations of Information

009.01G1 Each participating agency shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the participating agency.

009.01H Fees

009.01H1 A participating agency may charge a fee for copies of records which are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

009.01H2 A participating agency may not charge a fee to search for or to retrieve information.

009.01I Amendment of Records at Parent's Request

009.01I1 A parent who believes that information in education records collected, maintained, or used is inaccurate, or misleading, or violates the privacy or other rights of the child, may request the participating agency which maintains the information to amend the information.

009.01I2 The participating agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

009.01I3 If the participating agency decides to refuse to amend the information in accordance with the request, it shall inform the parents of the refusal, and advise the parent of the right to a local administrative review to be conducted in accordance with 34 CFR 99.22.

009.01J Opportunity for a Local Administrative Review

009.01J1 The participating agency shall, on request, provide an opportunity for a local administrative review to challenge information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

009.01K Result of Local Administrative Review

009.01K1 If, as a result of the local administrative review, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.

009.01K2 If, as a result of the local administrative review, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the participating agency shall inform the parent of the right to place in the records the participating agency maintains on the child, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the participating agency.

009.01K3 Any explanation placed in the records of the child must:

009.01K3a Be maintained by the participating agency as part of the records of the child as long as the record or contested portion is maintained by the participating agency; and

009.01K3b If the records of the child or the contested portion is disclosed by the participating agency to any party, the explanation must also be disclosed to the party.

009.01L Consent for Release of Records

009.01L1 Parental consent must be obtained before personally identifiable information is disclosed to anyone other than officials of the service agency collecting or using the information unless specifically not required in the Family Education Rights and Privacy Act and its implementing regulations, 34 CFR Part 99.

009.01M Safeguards

009.01M1 Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

009.01M2 One official at each participating agency shall assume responsibility for insuring the

confidentiality of any personally identifiable information.

009.01M3 All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures.

009.01M4 Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the participating agency who may have access to personally identifiable information.

009.01N Records Regarding Migratory Children with Disabilities

009.01N1 The school district or approved cooperative shall cooperate in the Federal Secretary of Education's efforts under section 613(a)(9) of the Individuals with Disabilities Education Act of 2004 (See Appendix A) to ensure the linkage of records pertaining to migratory children with a disability for the purpose of electronically exchanging among the States, health and education information regarding such children.

009.01O Retention and Destruction of Information and Records

009.01O1 The participating agency shall retain special education records for five (5) years after the completion of the activities for which special education funds were used.

009.01O2 The participating agency shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child.

009.01O3 The information which is no longer necessary to provide educational services to the child, must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

STUDENT RECORDS

PERSON(S) RESPONSIBLE: Teaching Staff, Principal, Superintendent (*Special Education Director*)

TIMELINE: Ongoing

MATERIALS: Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA), School Handbook, List of staff with access to personally identifiable student information

METHODS: The district will maintain all personally identifiable student information in conformance with FERPA and 92 NAC 51. If a parent requests a hearing to challenge the content of a student record, the Superintendent will identify a hearing officer and arrange for a hearing. All staff will receive annual training regarding the confidentiality requirements contained in FERPA, 92 NAC 51 and the district's policies and procedures.

PROCEDURE (PROCEDURAL SAFEGUARDS {continued})

009.02 Procedural Timelines

009.02A For all students except for infants and toddlers, each of the procedural steps necessary to provide a free appropriate public education shall be carried out within the specified time periods.

009.02A1 Referral, notice to parents (See 92 NAC 51-009.03), and parental consent, shall be completed within a reasonable period of time. The initial multidisciplinary team evaluation shall be completed within 60 days of receiving parental consent for the evaluation.

009.02A1a The 60-day timeline shall not apply to a school district or approved cooperative if:

009.01A1a(i) a child enrolls in a school served by the school district or approved cooperative after the relevant timeline in 92 NAC 51-009.02A1 has begun and prior to a determination by the child's previous school district or approved cooperative as to whether the child is a child with a disability, but only if the subsequent school district or approved cooperative is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent school district or approved cooperative agree to a

specific time when the evaluation will be completed; or

009.01A1a(ii) the parent of a child repeatedly fails or refuses to produce the child for the evaluation.

009.02A2 Upon completion of a multidisciplinary team verification decision, school districts or approved cooperative shall provide a reasonable notification and conduct an individual education program conference within 30 calendar days. Parental consent for initial placement shall be requested within five school days of the IEP conference.

009.02A3 Special education placement shall be completed within five (5) school days of receipt of parental consent.

009.02B For infants and toddlers each of the procedural steps necessary to provide early intervention services shall be carried out within the specific time periods.

009.02B1 A referral must be made by the school district to the agency responsible for providing services coordination in the Planning Region within two working days of the district becoming aware of an infant or toddler who may be eligible for services.

009.02B2 Notice to parents (See 92 NAC 51-009.03) and parental consent shall be completed within a reasonable period of time.

009.02B3 A multidisciplinary team evaluation must be completed within 45 calendar days from the date of referral. In the event of exceptional circumstances of the family that make it impossible to complete the evaluation within the 45 days, the school district will document those circumstances, inform the parent of the time estimated by the district to complete the evaluation, and develop and implement an interim IFSP as necessary.

009.02B4 Upon completion of a multidisciplinary team verification decision, and within 45 days of the referral, school districts shall participate in an individual family service plan conference.

009.02B5 Special education placement shall be completed

within five school days of receipt of parental consent.

TIMELINES

PERSON(S) RESPONSIBLE: Principal, IEP Case Manager, Special Education Teacher (*Special Education Director*)

TIMELINE: As specified in 92 NAC 51-009

MATERIALS: District Forms

METHODS: The district will follow the procedures specified in 92 NAC 51-009.02 when determining appropriate timelines.

PROCEDURE (PROCEDURAL SAFEGUARDS {continued})

009.03 Prior Written Notice

009.03A School districts or approved cooperatives shall provide a copy of the procedures specified in this Chapter for complaints and 92 NAC 55 for hearings to the parent of each child who is evaluated by the multidisciplinary evaluation team for possible initial verification.

009.03B Prior written notice shall be given to the parents of a child with a disability a reasonable time before a school district:

009.03B1 Proposes to initiate or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education; or

009.03B1a If the notice described in 92 NAC 51-009.03B relates to an action proposed by the school district that also requires parental consent under 92 NAC 51-009.05, the school district may give notice at the same time it requests

parent consent.

009.03B2 Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

009.03C Such prior written notice shall include:

009.03C1 A description of the action proposed or refused by the school district;

009.03C2 An explanation of why the district proposes or refuses to take the action;

009.03C3 A description of any options the district considered and the reasons why those options were rejected;

009.03C4 A description of each evaluation procedure, assessment, record, or report the school district uses as a basis for the proposal or refusal;

009.03C5 A description of any other factors which are relevant to the school district's proposal or refusal;

009.03C6 A statement that the parents of a child with a disability have protection under the procedural safeguards of this Chapter and, if this notice is not an initial referral for evaluation, the means by which a copy or description of the procedural safeguards can be obtained; and

009.03C7 Sources for parents to contact to obtain assistance in understanding the provisions of this part.

009.03D The notice must be written in language understandable to the general public, and provided in the native language of the parents or other mode of communication used by the parents unless it is clearly not feasible to do so.

009.03E If the native language or other mode of communication of the parents is not a written language, the school district shall take steps to insure:

009.03E1 That the notice is translated orally or by other means to the parents in his or her native language or other mode of communication;

009.03E2 That the parents understand the content of the notice; and

009.03E3 That there is written evidence that the requirements of this section have been met.

PRIOR WRITTEN NOTICE

PERSON(S) RESPONSIBLE: Principal, IEP Case Manager, Special Education Teacher (*Special Education Director*)

TIMELINE: Notice will be provided **10-15** days prior to taking the proposed action

MATERIALS: Written Notice Forms for Evaluation, Placement, Reevaluation, Termination

METHODS: The IEP Case Manager is responsible for collecting information and drafting the Prior Written Notice to be sent to parents. Prior Written Notice will be sent prior to proposing or refusing any action with regard to special education.

PROCEDURE (PROCEDURAL SAFEGUARDS {continued})

009.04 Procedural Safeguards Notice

009.04A A copy of the procedural safeguards available to the parents of a child with a disability shall be given by the school district or approved cooperative to the parents only once per year, except that a copy shall also be given to the parents:

009.04A1 Upon initial referral or parental request for evaluation;

009.04A2 Upon request by a parent; and

009.04A3 Upon receipt by the school district of the first occurrence of the filing of a petition in a special education due process case under 92 NAC 55.

009.04B The procedural safeguards notice shall include a full explanation of all of the procedural safeguards, relating to:

009.04B1 independent educational evaluation;

009.04B2 prior written notice;

009.04B3 parental consent;

009.04B4 access to educational records;

009.04B5 opportunity to file due process hearings;

009.04B6 the child's placement during pendency of due process proceedings;

009.04B7 procedures for students subject to placement in an interim alternative educational setting;

009.04B8 requirements for unilateral placement by parents of children in nonpublic schools at public expense;

009.04B9 mediation;

009.04B10 due process hearings, including requirements for disclosure of evaluation results and recommendations;

009.04B11 civil actions, including the time period in which to file such actions;

009.04B12 attorney's fees; and

009.04B13 the State complaint procedures including a description of how to file a complaint under 92 NAC 51-009.09 and the timelines under

those procedures.

009.04C The notice of the procedural safeguards provided to the parent must be written in language understandable to the general public and provided in the native language of the parent as required by 92 NAC 51-009.03D and 009.03E.

009.04D The school district may place a current copy of the procedural safeguards notice on its Internet website if such website exists.

PROCEDURAL SAFEGUARDS

PERSON(S) RESPONSIBLE: Principal, IEP Case Manager (*Special Education Director*)

TIMELINE: A copy of the procedural safeguards will be provided prior to initial referral for evaluation, upon on parental request, or upon filing a due process appeal.

MATERIALS: Parent Rights Pamphlet

METHODS: A copy of the Parent Rights Pamphlet will be provided. A copy of the procedural safeguards is on the district website.

PROCEDURE (PROCEDURAL SAFEGUARDS {continued})

009.05 Informed Parental Consent

009.05A Informed parental consent must be obtained by a school district before:

009.05A1 Conducting an initial multidisciplinary evaluation;

009.05A2 Conducting a reevaluation; and

009.05A3 Initial placement of a child with disabilities in a program providing special education and related services or early intervention services to infants and toddlers.

009.05B Parental consent for evaluation shall not be construed as consent for initial placement described in 92 NAC 51-009.05A3.

009.05C Parental consent is not required before:

009.05C1 Reviewing existing data as part of an evaluation or reevaluation; or

009.05C2 Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

009.05D Informed parental consent need not be obtained for reevaluation if the school district can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent has failed to respond.

009.05D1 To meet the reasonable measures requirement in 92 NAC 51-009.05E, the school district must use procedures consistent with those in 92 NAC 51-007.06D.

009.05E A school district may not use a parent's refusal to consent to one service or activity under 92 NAC 51-009.05 to deny the parent or child any other service, benefit, or activity of the school district, except as required by this Chapter.

009.06 Parental Refusal to Consent

009.06A If the parent does not provide consent for an initial evaluation or the parent fails to respond to a request to provide the consent, the school district or approved cooperative may pursue the initial evaluation of the child by utilizing the procedures described in Section 009.

009.06A1 If the parent refuses to consent to services, the local school district or approved cooperative shall not provide special education and related services to the child by utilizing the procedures described in Section 009.

009.06A2 If the parent refuses to consent to the receipt of special education and related services, or the parent fails to respond to a request to provide such consent:

009.06A2a the school district or approved cooperative shall not be considered to be in violation of the requirement to make available a free appropriate public education to the child for the failure to provide such child with the special education and related services for which the school district or approved cooperative requests such consent; and

009.06A2b the school district or approved cooperative shall not be required to convene an IEP meeting or develop an IEP under this section for the child for the special education and related services for which the school district or approved cooperative requests such consent.

009.06B For infants and toddlers, if consent is not given, the school district or approved cooperative shall make reasonable efforts to ensure that the parents:

009.06B1 are fully aware of the nature of the evaluation or the services that will be available; and

009.06B2 understand that the child will not be able to receive the evaluation or services unless consent is given.

009.06C The parents of an infant or toddler may determine that they, their child, or other family members will accept or decline any early intervention service, and may decline such a service after first accepting it, without jeopardizing other early intervention services.

009.06D If the hearing officer or any court hearing an appeal therefrom, upholds the school district or approved cooperative and if the time for further appeal has expired, the school district or approved cooperative may evaluate or initially place a child with a disability in a special education program and related services without parental consent and the school district may refuse to provide or pay for any

further inappropriate educational program.

009.07 Consent for Wards of the State

009.07A If the child is a ward of the State and is not residing with the child's parent, the school district shall make reasonable efforts to obtain the informed consent from the parent (as defined in Section 003) of the child for an initial evaluation to determine whether the child is a child with a disability.

009.07B The school district shall not be required to obtain informed consent from the parent of a child for an initial evaluation to determine whether the child is a child with a disability if:

009.07B1 despite reasonable efforts to do so, the school district cannot discover the whereabouts of the parent of the child;

009.07B2 the rights of the parents of the child have been terminated in accordance with State law; or

009.07B3 the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

CONSENT

PERSON(S) RESPONSIBLE: IEP Case Manager, (*Special Education Director*)

TIMELINE: Written parental consent will be obtained prior to conducting an evaluation, reevaluation, or placement of a child in special education

MATERIALS: Parent Consent Forms

METHODS: The school district will provide parents with a notice explaining the action to be taken and a request for written parent consent. If the parent does not give consent, the district may pursue mediation and for an initial evaluation, file for a due process hearing.

PROCEDURE (PROCEDURAL SAFEGUARDS {continued})

009.08 Appointment of Surrogates

009.08A Each school district shall insure that the rights of a child with a disability are protected if:

009.08A1 No parent can be identified;

009.08A2 The school district, after reasonable efforts, cannot discover the whereabouts of the parents; or

009.08A3 The child is an unaccompanied homeless youth; or

009.08A4 The child is a ward of the state or court.

009.08A4a If a child who is a ward of the State, such surrogate may alternatively be appointed by the judge overseeing the child's care provided that the surrogate meets the requirements of this paragraph.

009.08B The duty of the school district under 92 NAC 51-009.08A includes the assignment of an individual to act as a surrogate for the parents. This must include a method;

009.08B1 for determining whether a child needs a surrogate parent and,

009.08B2 for assigning a surrogate parent to the child.

009.08C The school district may select a surrogate parent in any way permitted under State law and the district or approved cooperative shall make reasonable efforts to ensure the assignment of a surrogate not more than 30 calendar days after there is a determination that the child needs a surrogate.

009.08D In order to qualify, a surrogate must be a person who:

009.08D1 Has no interest that conflicts with the interest of the child he or she represents;

009.08D2 has knowledge and skills that insure adequate representation of the child; and

009.08D3 Is not an employee of any public agency which is involved in the education or care of the child. A person who otherwise qualifies to be a surrogate parent is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

009.08D3a For infants and toddlers, a person assigned

as a surrogate parent may not be an employee of any State agency; or a person, or an employee of a person, providing early intervention services to the child or to a family member of the child. A person who otherwise qualifies to be a surrogate parent under this Subsection is not an employee solely because he or she is paid by a public agency to serve as a surrogate parent.

009.08E The surrogate may represent the child in all matters relating to:

009.08E1 The identification, evaluation, and educational placement of a child; and

009.08E2 The provision of a free appropriate public education to the child.

009.08E3 For infants and toddlers, a surrogate parent may represent a child in all matters related to:

009.08E3a The evaluation and assessment of the child;

009.08E3b Development and implementation of the child's IFSP including annual evaluations and periodic review;

009.08E3c The ongoing provision of early intervention services to the child; and

009.08E3d Any other rights established under this Chapter.

when: 009.08F The services of the surrogate parent shall be terminated

009.08F1 The child is no longer eligible for a surrogate parent under 92 NAC 51-009.08A;

009.08F2 A conflict of interest develops between the interest of the child and the interest of the surrogate parent; or

009.08F3 The surrogate parent fails to fulfill his or her duties as a surrogate parent.

009.08G Issues arising from the selection, appointment, or removal of a surrogate parent shall be resolved through hearings established under 92 NAC 55.

009.08H The surrogate parent and the school district or approved cooperative which appointed the surrogate parent shall not be liable in civil actions for damages for

acts of the surrogate parent unless such acts constitute willful and wanton misconduct.

SURROGATE PARENTS

PERSON(S) RESPONSIBLE: Superintendent, Principal, IEP Case Manager, Surrogate Parent(s) (NOTE: Personnel from the Department of Health and Human Services may not serve as a surrogate parent(s) under the Special Education Act.) In the case of a state ward, the judge overseeing the child's case may appoint the surrogate parent.

TIMELINE: Within 30 days of identification of need to appoint a surrogate/surrogate parent. Appointments shall last one (1) year. The appointment may be renewed.

MATERIALS: Request to Director of Special Education for the appointment of a Surrogate, Surrogate Agreements and Training Materials, Rule 51 and 55,

Policies and Procedures, other materials as required

METHODS: If the district identifies students who may be in need of a surrogate parent, the district will:

1. Attempt to identify and locate the parent;
2. Investigate the legal status of those student(s); and
3. If after a reasonable effort, the parents cannot be located, the school district shall insure that the rights of students with disabilities are protected by appointing a surrogate.
4. Surrogates will be provided sufficient training to assure they are knowledgeable as to the legal rights and educational needs of the student they are to represent. Training will be conducted as needed.
5. Surrogates will be appointed by the director of special education following documentation that no conflict of interest exists and completion of appropriate training or assurance that the surrogate is knowledgeable in order to represent the student.
6. Surrogates will be monitored on a regular basis to ensure effective performance. Should a surrogate be unable or unwilling to discharge his or her duties, a new surrogate will be appointed by the director.
7. The surrogate parent shall continue to represent the student until one of the following occurs:
 - a. The student is determined to no longer be eligible for, or in need of, special education or related services except when termination from such programs is being contested;
 - b. The parent, who was previously unknown, or whose whereabouts were previously unknown or a guardian or person acting as the student's parents becomes known; and/or,
 - c. It is determined that the appointed surrogate parent no longer adequately represents the student.
 - d. The surrogate parent's term has expired.

PROCEDURE (PROCEDURAL SAFEGUARDS {continued})

009.09 Complaint Procedures

009.09A An organization or individual may file a complaint regarding alleged violation of requirements set forth in Special Education Rules. The complaint shall be submitted to the Department of Education, Special Education Office, in writing. The written, signed complaint must contain a statement that a school district has violated a requirement of this Chapter and the facts on which the statement is based. If the complaint can be determined to be related to a violation of Special Education Rule(s), the following procedures will be carried out:

009.09A1 Within fourteen (14) calendar days of receipt of the written, signed complaint, an assigned Special Education Office official shall notify in writing each complainant and the service agency against which the violation has been alleged, that the complaint has been received. This written notification shall include a copy of the complaint and the substance of the alleged violation. The service agency shall have fourteen (14) calendar days to submit a written response.

009.09A2 Special Education Office officials will investigate each complaint received from an individual or organization (including an individual or organization from another state) to determine whether there has been a failure to comply with these rules and may require further written or oral submission of information by all parties and may conduct an independent on-site investigation if necessary. The complainant will have the opportunity to submit additional information either orally or in writing, about the allegation.

009.09A3 Within sixty (60) calendar days of receipt of a signed written complaint, the Department of Education Special Education Office will review all relevant information and provide written notification of findings of facts and conclusions and the basis for such findings to all parties involved.

009.09A4 If, as a result of extenuating circumstances, the Department of Education Special Education Office is not able to complete the investigation within the sixty (60) calendar days, an extension period of forty-five (45) calendar days will be implemented. The Department of Education Special Education

Office will notify the person filing the complaint and the service agency of the 45 days extension.

009.09A5 If it is determined there has been a failure to comply, there will be included in the notification of findings the specific steps which must be taken by the service agency to bring the service agency into compliance, including technical assistance, negotiations and corrective actions. The notification shall also set forth a reasonable period of time to voluntarily comply.

009.09A6 If the service agency does not demonstrate compliance within the period of time set forth in the notice of findings, the matter will be subject to the procedures outlined in 92 NAC 51-004.09.

009.09A7 If a written complaint is received that is also the subject of a due process hearing under 92 NAC 55, or contains multiple issues of which one or more are part of that hearing, the Special Education Office officials shall set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in 92 NAC 51-009.09.

009.09A8 If an issue is raised in a complaint filed under this 92 NAC 51-009.09 that has previously been decided in a due process hearing involving the same parties:

009.09A8(a) The hearing decision is binding; and

009.09A8(b) The Nebraska Department of Education must inform the complainant to that effect.

009.09A9 A complaint alleging a school district's failure to implement a due process decision must be resolved by the Nebraska Department of Education.

009.09A10 The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a

violation that occurred not more than three years prior to the date the complaint is received.

COMPLAINT INVESTIGATIONS

PERSON(S) RESPONSIBLE: ESU Special Education Director, Superintendent

TIMELINE: The district will observe all timelines in 92 NAC 51-009.09

MATERIALS: Copy of letter of complaint, support documentation, district policies and procedures and letter of response to NDE

METHODS: The Director of Special Education will serve as the liaison between the school district and the NDE complaint investigator throughout the complaint process. The Special Education Director will facilitate site and file reviews. The Special Education Director will be responsible for the implementation of any corrective action plan designed to bring the district into compliance.

PROCEDURE (PROCEDURAL SAFEGUARDS {continued})

009.10 Mediation

009.10A School districts shall implement the procedures established in Section 009 to allow parties to resolve disputes involving any matter described in 92 NAC 51-009.03B1 and 009.03B2 including matters arising prior to the filing of a due process hearing petition through a mediation process which, at a minimum, shall be available whenever a hearing is requested under 92 NAC 55.

009.10A1 The procedures for seeking mediation initiated by either the parent(s) or school district include:

009.10A1a contacting the Nebraska Office of Dispute Resolution who will

009.10A1b arrange a meeting, invite both parties and conduct the mediation in an attempt to resolve the dispute.

009.10B The procedures shall insure that the mediation process:

009.10B1 is voluntary on the part of the parties;

009.10B2 is not used to deny or delay a parent's right to a due process hearing under 92 NAC 55, or to deny any other rights afforded under this Chapter; and

009.10B3 is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

009.10C The school district may implement the procedures in Section 009 to offer parents and schools that choose not to use the mediation process an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with:

009.10C1 a parent training and information center or community parent resource center in this State established under Section 671 or 672 of the IDEA, or

009.10C2 an appropriate alternative dispute resolution entity to encourage the use, and explain the benefits of the mediation process to the parents.

009.10D The Nebraska Department of Education shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related

services for use by school districts and parents.

009.10D1 If a mediator is not selected on a random basis (e.g., a rotation basis from the list described in 92 NAC 51-009.10D), both parties must be involved in selecting the mediator and agree with the selection of the individual who will mediate.

009.10E The Nebraska Department of Education shall bear the cost of the mediation process, including the costs of meetings described in 92 NAC 51-009.10C.

009.10F Each session in a mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

009.10G In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth such resolution and that:

009.10G1 states that all discussions that occurred during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding;

009.10G2 is signed by both the parent and a representative of the agency who has the authority to bind such agency; and

009.10G3 is enforceable in any State court of competent jurisdiction or in a district court of the United States.

009.09H Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings.

009.10I An individual who serves as a mediator under 92 NAC 51-009.10:

009.10I1 May not be an employee of:

009.10I1a Any school district or approved cooperative or state agency; or

009.10I1b An agency that is providing direct services to a child who is the subject of the mediation process; and

009.10I1c Must not have a personal or professional conflict of interest.

009.10I2 A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency to serve as a mediator.

009.10J A school district may not deny or delay a parent's right to a due process hearing under 92 NAC 55 if the parent fails to participate in the meeting described in 92 NAC 51-009.10C.

MEDIATION

PERSON(S) RESPONSIBLE: ESU Special Education Director, Superintendent, Staff

TIMELINE: Ongoing

MATERIALS: Parent Rights Pamphlet, Mediation Brochure

METHODS: Either the parent or the school district may initiate mediation to resolve special education disputes by making contact with the Nebraska Office of

Dispute Resolution. The Office of Dispute Resolution will arrange for all meetings related to the mediation process. Mediation is voluntary on the parts of the parent and the school district.

PROCEDURE (PROCEDURAL SAFEGUARDS {continued})

009.11 Whenever a due process complaint has been received under 92 NAC 55 or Section 016 of this Chapter, the parents or the school district or approved cooperative shall have an opportunity for an impartial due process hearing.

009.11A Prior to the opportunity for an impartial due process hearing, the school district or approved cooperative shall convene a meeting with the parents and the relevant member or members of the IEP Team who have specific knowledge about the facts identified in the complaint.

009.11A1 The meeting must occur within 15 days of receiving notice of the parents' complaint;

009.11A2 The meeting shall include a representative of the school district or approved cooperative who has decision-making authority;

009.11A3 The meeting may not include an attorney of the school district or approved cooperative unless the parent is accompanied by an attorney;

009.11A4 At the meeting the parents of the child shall discuss their complaint, and the facts that form the basis of the complaint, and the school district or approved cooperative is provided the opportunity to resolve the complaint, unless the parents and the school district or approved cooperative agree in writing to waive such meeting, or agree to use the mediation process described in 92 NAC 51-009.10.

009.11B If the school district or approved cooperative has not resolved the complaint to the satisfaction of the parents within 30 days of the receipt of the complaint, the due process hearing may occur, and all of the applicable timelines for a due process hearing under 92 NAC 55 shall commence.

009.11C In the case that a resolution is reached to resolve the complaint at a meeting described in 92 NAC 51-009.11A, the parties shall execute a legally binding agreement that:

009.11C1 is signed by both the parent and a representative of the school district or approved cooperative who has the authority to bind such agency; and

009.11C2 is enforceable in any State court of competent jurisdiction or in a district court of the United States.

009.11D If the parties execute an agreement pursuant to 92 NAC 51-009.11C, a party may void such agreement within three business days of the agreement's execution.

009.12 A parent of a child with a disability may elect to receive notices required under this section by an electronic mail (e-mail) communication, if the school district or approved cooperative makes such option available.

009.13 Special Education Due Process Hearings

009.13A A parent or a school district may initiate a hearing on any of the matters described in 92 NAC 51-009.03B relating to the identification, evaluation or educational placement of the child with a disability, or the provision of FAPE to the child by filing a petition pursuant to 92 NAC 55.

009.13B When a hearing is initiated under 92 NAC 55, the school district shall inform the parents of the availability of mediation described in 92 NAC 51-009.10.

009.13C The school district shall inform the parent of any free or low-cost legal and other relevant services available in the area if the parent requests the information or if the parent or the school district initiates a hearing under 92 NAC 55.

009.13D Any party to a due process hearing has the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities.

DUE PROCESS HEARINGS

PERSON(S) RESPONSIBLE: *ESU Special Education Director, Superintendent, School District Attorney*

TIMELINE: Follow timelines specified in 92 NAC 55

MATERIALS: 92 NAC 55, all documentation regarding dispute and district's action

METHODS: A due process appeal is initiated by filing a petition with the Nebraska Department of Education. The content of the petition and the

procedures to be followed are specified in 92 NAC 55.

Before a due process hearing, the district must convene a meeting with the parents and relevant IEP/IFSP team members pursuant to 92 NAC 51-009.11.

POLICY

TRANSPORTATION

PALMYRA DISTRICT OR-1 SCHOOL DISTRICT ENSURES THAT TRANSPORTATION WILL BE PROVIDED TO ANY SPECIAL EDUCATION STUDENT WHO QUALIFIES FOR SPECIAL EDUCATION TRANSPORTATION UNDER NEB. REV. STAT. 79-1129.

PROCEDURE

014 Special Education Transportation

014.01 The board of education shall furnish one of the following types of services to children with disabilities who are residents of the school district:

014.01A provide transportation for any child with a disability who is forced to leave the school district temporarily because of lack of educational services; and

014.01B provide transportation within the school district for any child with a disability who is enrolled in a special education program of the district when either:

014.01B1 The child is required to attend a facility other than what would be the normal school of attendance of the child to receive appropriate special education services; or

014.01B2 The nature of the child's disability is such that special education transportation is required.

014.01C The board of education shall provide transportation for all children with disabilities birth to age five including children birth to age five who are wards of the court.

014.01D Transportation for Children Attending a Non-Public School

014.01D1 If necessary for the child to benefit from or participate in the services provided under this Chapter, a nonpublic school child with a disability must be provided transportation:

014.01D1a from the child's school or the child's home to a site other than the nonpublic school; and

014.01D1b from the service site to the nonpublic school,

or to the child's home, depending on the timing of the services.

014.01D2 School districts are not required to provide transportation from the child's home to the nonpublic school.

014.02 Responsibility for Transportation

014.02A The board of education shall be responsible to provide for the transportation expenses of children with disabilities who are residents of the school district under Neb. Rev. Stat. 79-1129 by:

014.02A1 paying a parent for transporting his or her child for actual miles traveled and claimed; or

014.02A2 operating vehicles for the purpose of transporting children with disabilities; or

014.02A3 contracting for transportation services for children with disabilities; or

014.02A4 purchasing services from a common carrier; or

014.02A5 arranging for such other transportation as is proper and necessary to transport children with disabilities.

014.02B The board of education shall select an efficient and effective means of transportation for the child with a disability at a reasonable cost.

014.02C The board of education shall not provide for the transportation expenses of children with a disability who are residents of the school districts under Neb. Rev. Stat. 79-1129 if such children are able to use regular transportation services provided by the district unless:

014.02C1 alteration of the routes of such regular transportation is required to transport children with a disability; or

014.02C2 alteration is required of the equipment or vehicles used in such regular transportation in order to accommodate children with a disability.

014.02D The board of education shall provide for expenses equal to the statutory amount for each mile or fraction thereof traveled between the place of residence and the program of attendance when a parent transports his or her child(ren) with a disability. (Refer to Neb. Rev. Stat. 79-1129 and

81-1176.)

014.02E Except when a parent is transporting only his or her child, the board of education shall require that the driver and vehicle meet the standards required by 92 NAC 91, 92, 93, and 94.

014.02F For students with disabilities participating in the Option Enrollment Program under Neb. Rev. Stat. 79-232 to 79-246, the transportation services included on the student's IEP shall be provided by the district from which the student optioned. The Department shall reimburse the district from which the student optioned for the cost of transportation in accordance with Section 014.

014.03 Allowable Expenses

014.03A The school district or approved cooperative shall provide for the transportation expenses of children with a disability transported by the parents of such children, upon receipt of claims submitted to the board of education by such parents. Such claims shall be documented and subject to audit. The claims shall:

014.03A1 state the names of the children transported, the dates they were transported, the mileage incurred in such transportation; and

014.03A2 contain a statement that the claim is a true and correct report of mileage; and

014.03A3 include the signature of the parent.

014.03B The school district or approved cooperative shall not be relieved of the obligation to provide transportation for an eligible child with a disability because of the inability or unwillingness of the child's parents to provide transportation. No eligible child with a disability may be denied or have limitations placed on the child's receipt of special education services required by an IEP or IFSP as a result of the inability or unwillingness of parents to provide transportation.

014.03C The school district or approved cooperative shall provide for the expenses or the equivalent costs for transportation from the child's legal residence (the residence of the parent(s)) or Department of Education approved residential placement, to the child's program.

014.03D A school district or approved cooperative may apply to the Department of Health and Human Services for reimbursement of transportation costs for the school age student who was made a ward of the state or court prior to his or her arrival in that school district.

TRANSPORTATION

PERSON(S) RESPONSIBLE: Superintendent, IEP Case Manager, Transportation Supervisor

TIMELINE: Ongoing

MATERIALS: IEP/IFSP Form, route schedules, Parent Procedures-Reimbursement Claim Forms, Rules for Safe Transportation of Students

METHODS: The student will be transported by district vehicle, or if district vehicle service is not available, the school district will contract with a licensed common carrier for transportation services. If the parent provides transportation as included on the student's IEP/IFSP, the district will reimburse parents at the rate approved by the Nebraska Department of Education for actual miles traveled from place of residence to school of attendance and return by the most direct route. Transportation eligibility will be determined by the student's IEP Team. The plan for transportation for the student shall be part of the IEP/IFSP.

POLICY

PERSONNEL STANDARDS

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS ENSURES THAT ALL PERSONNEL ARE APPROPRIATELY AND ADEQUATELY PREPARED SUBJECT TO IDEA REQUIREMENTS AND PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS WILL TAKE MEASURABLE STEPS TO RECRUIT, HIRE, TRAIN AND RETAIN PERSONNEL MEETING THE REQUIREMENTS OF IDEA TO PROVIDE SPECIAL EDUCATION AND RELATED SERVICES TO CHILDREN WITH DISABILITIES.

PROCEDURE

010 Qualifications of Special Education Personnel for Program Approval and Reimbursement

010.01 School districts and approved cooperatives shall ensure that all personnel necessary to carry out this Chapter are appropriately and adequately prepared and trained including that those personnel have the content knowledge and skills to serve children with disabilities, subject to the requirements of Section 2122 of the Elementary and Secondary Education Act of 1965.

010.01A Instructional personnel shall hold valid Nebraska Department of Education certification, be endorsed in the assigned area. Instructional personnel may serve children with visual impairments and children with hearing impairments in a multicategorical program if the instructional personnel have attended training approved by the Department of Education or have received consultation from an individual endorsed in the area of visual hearing impairments. This section does not apply to individuals providing inservice.

010.01B Each person employed as a special education teacher who teaches elementary school, middle school, or secondary school shall be a teacher meeting IDEA 2004 criteria as defined in 003.64.

010.01C School districts or approved cooperatives shall take measurable steps to recruit, hire, train and retain teachers meeting IDEA 2004 criteria to provide special education and related services.

010.03 Related Services Personnel and Paraprofessionals

010.03A Related services personnel and paraprofessionals shall hold any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services.

010.03B Related services personnel who deliver services in their discipline or profession shall not have had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

010.03C Paraprofessionals shall be appropriately trained and supervised by qualified special education personnel to be used to assist in the provision of special education and related services under this Chapter.

010.03D A paraprofessional shall not teach, as defined in Neb. Rev.

Stat. 79-101.12.

010.04 Personnel providing special education services who do not hold Department of Education certification and endorsement, shall be licensed by the appropriate State of Nebraska Board of Examiners.

010.05 Personnel employed by approved service agencies shall be certified by the Department of Education or shall hold the credential or training required by the licensing standard under which the service providers operate.

602(10) HIGHLY QUALIFIED. –

(A) In GENERAL – For any special education teacher, has the meaning given the term “high qualified” in Section 9101 of the Elementary and Secondary Education Act of 1965, except that such term also

(i) includes the requirements described in Subparagraph (B); and

(ii) includes the option for teachers to meet the requirements of Section 9101 of such Act by meeting the requirements of Subparagraph (C) and (D).

(B) REQUIREMENTS FOR SPECIAL EDUCATION TEACHERS –

When used with respect to any public elementary school or secondary school special education teacher teaching in the State, such term means that –

(i) the teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher; except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law;

(ii) the teacher has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) the teacher holds at least a bachelor's degree.

(C) SPECIAL EDUCATION TEACHERS TEACHING TO ALTERNATE ACHIEVEMENT STANDARDS. – When used with respect to a special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate achievement standards established under the regulations promulgated under Section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, such term means the teacher, whether new or not new to the profession, may either—

(iii) meet the applicable requirements of Section 9101 of such Act for any elementary, middle, or secondary school teacher who is new or not new to the profession;

or

- (iv) meet the requirements of Subparagraph (B) or (C) of Section 9101(23) of such Act as applied to an elementary school teacher, or, in the case of instruction above the elementary level, has subject matter knowledge appropriate to the level of instruction being provided, as determined by the State, needed to effectively teach to those standards.

(D) SPECIAL EDUCATION TEACHERS TEACHING

MULTIPLE SUBJECTS – When used with respect to a special education teacher who teaches two or more core academic subjects exclusively to children with disabilities, such term means that the teacher may either

–

- (i) meet the applicable requirements of Section 9101 of the Elementary and Secondary Education Act of 1965 for any elementary, middle, or secondary school teacher who is new or not new to the profession;
- (ii) in the case of a teacher who is not new to the profession, demonstrate competence in all the core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher who is not new to the profession under Section 9101(23)(c)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects; or
- (iii) in the case of a new special education teacher who teaches multiple subjects and who is highly qualified in multiple subjects and who is highly qualified in mathematics, language arts, or science, demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher under Section 9101(23)(c)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects, not later than two years after the date of employment.

(E) RULE OF CONSTRUCTION – Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this section or part shall be construed to create a right of action on behalf of

an individual student or class of students for the failure of a school district or approved cooperative employee to be highly qualified.

(F) DEFINITION FOR PURPOSES OF THE ESEA – A teacher who is highly qualified under this paragraph shall be considered highly qualified for purposes of the Elementary and Secondary Education Act of 1965.

PERSONNEL STANDARDS

PERSON(S) RESPONSIBLE: The Superintendent, Principal, or Designee will advertise, interview, hire and retain appropriate professional staff.

TIMELINE: As soon as a position requiring special education and/or related services endorsement is approved by the Board of Education, advertisements in local and regional papers, college publications and other avenues will be completed and documented.

MATERIALS: Ads listing the positions and requirements, applicant files requiring completed application form, transcripts, credentials, required state background checks

METHODS: After a position is posted and advertised, candidates for interviews are selected by the Superintendent, Principal or Designee. Candidates are selected on the basis of having a completed applicant file, appropriate

qualifications and credentials for the position.

POLICY

PERFORMANCE GOALS AND INDICATORS

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS WILL USE PERFORMANCE GOALS AND INDICATORS ESTABLISHED BY THE STATE TO ASSESS PROGRESS TOWARD ACHIEVING THOSE GOALS THAT ARE CONSISTENT TO THE EXTENT APPROPRIATE WITH ANY OTHER GOALS AND ACADEMIC STANDARDS FOR CHILDREN.

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS WILL PROVIDE THE NEBRASKA DEPARTMENT OF EDUCATION WITH INFORMATION NECESSARY TO ENABLE THE STATE TO ASSESS PROGRESS TOWARD ACHIEVING THE GOALS ESTABLISHED BY THE STATE.

PROCEDURE

The school district will use performance indicators established by the state:

1. to assess progress of children with disabilities in Nebraska in achieving goals;
2. that ensure free appropriate public education (FAPE) designed to meet their unique needs and prepare them for employment and adult living;
3. that ensure that the rights of children with disabilities and their parents are protected; and
4. that ensure educators and parents have the necessary tools to improve educational results for children with disabilities and to ensure the effectiveness of efforts to educate children with disabilities.

The district ensures that the goals are consistent, to the maximum extent appropriate, with other goals and standards for children established by the state.

The state assesses progress toward achieving those goals that address the performance of children with disabilities on assessment, and on drop-out rates and graduation rates. The district will report to the Nebraska Department of Education on the progress of children with disabilities toward these goals, and on assessment, drop-out rates and graduation rates.

PERSON(S) RESPONSIBLE: Superintendent, Principal, or Designee

TIMELINE: Annually as requested by NDE

MATERIALS: Performance Goals and Indicators, Measurement Data

METHODS: The district will follow the procedures outlined above in carrying out the provisions of Performance Goals and Indicators.

POLICY

SUSPENSION AND EXPULSION REPORTING

PALMYRA DISTRICT OR-1 PUBLIC SCHOOLS WILL REPORT DATA TO THE NEBRASKA DEPARTMENT OF EDUCATION TO DETERMINE IF SIGNIFICANT DISCREPANCIES ARE OCCURRING IN THE RATE OF LONG-TERM SUSPENSION AND EXPULSIONS OF CHILDREN WITH DISABILITIES.

PROCEDURE

004.06A10 The incidence and duration of disciplinary actions by race, ethnicity, limited English proficiency status, gender, and disability category, of children with disabilities, including suspensions of one day or more.

004.06A11 The number and percentage of children with disabilities who are removed to alternative educational settings or expelled as compared to children without disabilities who are removed to alternative educational settings or expelled.

PERSON(S) RESPONSIBLE: Superintendent, Principal, or Designee

TIMELINE: Annually as requested by NDE

MATERIALS: NDE Suspension and Expulsion Rate Forms

METHODS: The district will submit to the state the number of suspensions and expulsions of children with disabilities. If significant discrepancies are occurring, the district will review and revise its policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that these policies, procedures, and practices comply with IDEA.

The district will maintain the data regarding suspensions and expulsions of children with disabilities as required by the state report. Data will include number of children listed by disability and race/ethnicity, subject to unilateral removal by school personnel following a drug or weapon offense, number of children subject to removal based on a hearing officer determination regarding likely injury, number of children subject to suspension/expulsion greater than 10 days or multiple short-term suspensions adding up to greater than 10 days.