

PETERSBURG CITY PUBLIC SCHOOLS



LOCAL POLICIES AND PROCEDURES REQUIRED FOR IMPLEMENTATION OF SPECIAL EDUCATION REGULATIONS IN VIRGINIA'S PUBLIC SCHOOLS

DEPARTMENT OF SPECIAL EDUCATION

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I. CHILD FIND

1. GENERALLY

- (a) The Petersburg City Public Schools shall maintain an active and continuing child find program designed to identify, locate, and evaluate those children residing in its geographic boundaries who are birth to age 21, inclusive, who are in need of special education and related services, including children who:
 - (i) Are highly mobile, such as migrant and homeless children;
 - (ii) Are wards of the state;
 - (iii) Attend private schools, including children who are home-instructed or home-tutored;
 - (iv) Are suspected of being children with disabilities and in need of special education, even though they are advancing from grade to grade; and
 - (v) Are under age 18, who are suspected of having a disability who need special education and related services, and who are incarcerated in a regional or local jail in its geographic boundaries for 10 or more days.
- (b) The Petersburg City Public Schools shall coordinate child find activities for infants and toddlers (birth to age two, inclusive) with District 19 Community Services Board, which serves as the Part C local interagency coordinating council.
- (c) Child Find for Private School Students: The Petersburg City Public Schools shall locate, identify, and evaluate children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools, and including children who are home-instructed or home-tutored.
 - (i) The child find process shall be designed to ensure:
 - (A) The equitable participation of parentally placed private school children; and
 - (B) An accurate count of those children.
 - (ii) Petersburg City Public Schools shall undertake child find activities similar to the activities undertaken for its public school children.

- (iii) The cost of carrying out the child find requirements, including the cost of individual evaluations, may not be considered in determining if Petersburg City Public Schools has met its proportionate share or expenditure obligation under 34 CFR 300.133.
- (iii) The child find process shall be completed in a time period comparable to that for students attending public school in Petersburg City.
- (v) Petersburg City Public Schools shall include in its child find activities: children who have been parentally placed private schools (including religious, elementary and secondary schools and including children who are home-instructed or home-tutored), and those children who reside in a state other than Virginia, or country other than the United States but have been parentally placed in a private school located within the geographic boundaries of Petersburg City.
 - (A) If a private school and its administrative offices are located in two different school divisions, the school division in which the private school is located and which the child attends is responsible for the child find activities.
- (vi) Petersburg City Public Schools shall consult with appropriate representatives of private school children with disabilities, as well as representatives of home-instructed or home-tutored children with disabilities, and representatives of parents of parentally placed private school children with disabilities, on how to implement the child find and evaluation activities.
 - (A) A representative of Petersburg City Public Schools will consult with private school representatives and representatives of parents of parentally placed private school children (including home schooled children). The consultation will occur at least annually by October 1, and will include an explanation of how parentally placed private school children can participate in child find activities.
- (d) Public Awareness. Petersburg City Public Schools will, at least annually by December 1, conduct a public awareness campaign to:
 - (i) Inform the community of a person's, ages two to 21, inclusive, statutory right to a free appropriate public education and the availability of special education programs and services;
 - (ii) Generate referrals; and
 - (iii) Explain the nature of disabilities, the early warning signs of disabilities, and the need for services to begin early.

2. SCREENINGS

- (a) The Petersburg City will screen children enrolled in the division, including transfers from out of state, as follows:
 - (i) Children shall be screened in the areas of hearing and vision in grades K, 3, 7, and 10. The screening will be conducted within 60 administrative working days of the opening of school. Whenever a pupil is found to have any defect of vision or hearing or a disease of the eyes or ears, the principal shall notify the parent or guardian in writing, of such defect or disease. This screening of pupils will be monitored through the administrative review process.
 - (ii) Children shall be screened, free of charge, for scoliosis in accordance with the requirements of 8 VAC 20-690-20.
 - (A) Petersburg City Public Schools shall implement a scoliosis program that shall consist of either:
 - (1) The provision of parent educational information on scoliosis for students in grades 5 through 10; or
 - (2) The implementation of a program of regular screening for scoliosis for students in grades 5 through 10.
 - (B) Petersburg City Public Schools shall not be required to screen the following students:
 - (1) Students in grades 5 through 10 who have been admitted for the first time to a public school and who have been tested for scoliosis as part of the comprehensive physical examination required by § 22.1-270 of the Code of Virginia; or,
 - (2) Those students whose parents have indicated their preference that their children not participate in scoliosis screening on the parent opt-out form.
 - (iii) Children shall be screened in the areas of speech, voice, language, and fine and gross motor functions to determine if a referral for an evaluation for special education and related services is indicated. Such screenings shall occur within 60 administrative working days of the opening of school for all new enrollees, including those in kindergarten and those who transfer into the school division for the first time.
- (b) Children who fail any of the above screenings may be rescreened if the

original results are not considered valid.

- (c) Petersburg City Public Schools may recognize screenings reported as part of the child's pre-school physical examination required under the Code of Virginia.
- (d) Children shall be referred to the special education administrator or designee if results of a screening suggest that a referral for evaluation for special education and related services is indicated. The referral shall include the screening results.
- (e) With respect to the screening processes described above, Petersburg City Public Schools shall provide the following procedural safeguards:
 - (i) Written notice to parents of the scheduled screening;
 - (ii) If the child fails the screening, the results of the screening;
 - (iii) Confidentiality; and
 - (iv) Maintenance of the screening results in the student's scholastic record.
- (f) Screening for instructional purposes is not an evaluation. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

3. REFERRALS

- (a) Each school in Petersburg City Public Schools shall have a School-Based Team to review records and other performance evidence of the child being referred in order to make recommendations to meet the child's educational and behavioral needs.
 - (i) The School-Based Team shall include:
 - (A) The referring source, as appropriate (except if inclusion of a referring source would breach the confidentiality of the child);
 - (B) The principal or designee;
 - (C) At least one teacher; and
 - (D) At least one specialist.
 - (E) Other members, when Petersburg City Public Schools determines that the special needs of the child identified in the referral request requires additional information that should be provided by individuals with specialized training or specific knowledge.
 - (ii) One member of the School-Based Team must be knowledgeable about alternative interventions and about procedures required to access programs and services that are available to assist with children's educational needs.
- (b) Children may be referred through a screening process, or by school staff, the parent(s), or other individuals.
 - (i) The referral may be in written, electronic, or oral form to the principal or designee of the school the child attends, or if initially enrolling in Petersburg City Public Schools, in the school in the parent's district.
 - (ii) If the referral is made to the special education administrator or designee, the administrator shall within three business days:
 - (A) Initiate the evaluation eligibility process in accordance with Section II "Referral for Initial Evaluation," below;
 - (B) Require that the School-Based Team review and respond to the request; or

- (C) Deny the request, If the request is denied, prior written notice in accordance with 8 VAC 20-81-170 shall be given to the parent(s), including the parent's right to appeal the decision through the due process hearing procedures.
- (c) In reviewing the child's performance, the School-Based Team may use a process based on the child's response to scientific, research-based interventions or other alternative research-based procedures.
 - (i) The School-Based Team shall ensure that these interventions are documented and do not needlessly delay a child suspected of having a disability from being evaluated for special education and related services.
 - (ii) If the child has not made adequate progress after an appropriate period of time during the implementation of the interventions, the School-Based Team shall refer the child to the special education administrator or designee for an evaluation to determine if the child needs special education and related services.
- (d) Timelines for referral process.
 - (i) The School-Based Team shall meet within 10 business days following the receipt of the referral.
 - (ii) The School-Based Team shall refer the child to the special education administrator or designee within three business days if the team determines that the child should be referred for an evaluation for special education and related services.
 - (iii) If the School-Based Team decides not to refer for an evaluation for special education and related services, prior written notice in accordance with 8 VAC 20-81-170 shall be given to the parent(s), including the parent's right to appeal the decision through the due process hearing.
- (e) Actions by the School-Based Team shall be documented in writing and shall include information upon which a decision was based.

II. REFERRAL FOR AN INITIAL EVALUATION

1. REFERRAL TO SPECIAL EDUCATION ADMINISTRATOR

- (a) All children, aged two to 21, inclusive, for whom the school division has child find responsibilities whether enrolled in Petersburg City Public Schools or not, who are suspected of having a disability, shall be referred to the special education administrator or designee, who shall initiate the process of determining eligibility for special education and related services.
 - (i) Referrals may be made by any source including school staff, a parent(s), the Virginia Department of Education, any other state agency, other individuals, or a School-Based Team in accordance with Section I.3 of these Procedures.
 - (ii) The referring party shall inform the special education administrator or designee of why an evaluation is requested and efforts that have been made to address the concerns. The referral may be made in oral or written form.
 - (iii) Upon receipt of the referral for initial evaluation for the provision of special education and related services to a child suspected of having a disability, from a source other than the School-Based Team, the special education administrator or designee shall:
 - (A) Initiate the initial evaluation procedures under subsection B of this section;
 - (B) Refer the child to the School-Based Team to review and respond to the request under Section I.3.d.2 of these Procedures.
 - (C) Deny the request, and provide prior written notice in accordance with 8 VAC 20-81-170.

2. PROCEDURES FOR REFERRAL FOR INITIAL EVALUATION

- (a) The special education administrator, or designee, shall:
 - (i) Record the date the referral was received, reason for referral, and names of the person or agency making the referral;
 - (ii) Implement procedures for maintaining the confidentiality of all data;
 - (iii) Provide written notice and procedural safeguards in the parents' native language or primary mode of communication, unless it is clearly not feasible to do so, to inform the parent(s) about:
 - (A) The referral for evaluation;
 - (B) The purpose of the evaluation; and
 - (C) Parental rights with respect to evaluation and other procedural safeguards;
- (b) Inform the parent(s) of the procedures for the determination of needed evaluation data and request any evaluation information the parent(s) may have on the child;
- (c) Secure informed consent from the parent(s) for the evaluation;
- (d) Ensure that all evaluations consist of procedures that:
 - (i) Gather relevant functional, developmental and academic information about the child to determine if the child is a child with a disability; and
 - (ii) Are sufficiently comprehensive to identify all of the child's special education and related services needs, and educational needs; and
- (e) Ensure that all evaluations are completed and that decisions about eligibility are made within 65 business days of the receipt of the referral by the special education administrator or designee. The 65 business day time frame includes any time that elapses if the special education administrator or designee routes the referral to the School-Based Team for review and action. The time frame shall not apply to Petersburg City Public Schools if:

- (i) The parent(s) of the child repeatedly fails or refuses to produce the child for the evaluation; or
 - (ii) If the child enrolls in a school served by Petersburg City Public Schools after the required 65 business days has begun and prior to a determination by the child's previous local school division as to whether the child is a child with a disability. This exception only applies if Petersburg City Public Schools is making sufficient progress to ensure a prompt completion of the evaluation and the parent(s) and the Petersburg City Public Schools agree to a specific time when the evaluation will be completed.
- (f) The parent and eligibility group may agree in writing to extend the 65 business day timeline to obtain additional data that cannot be obtained within the 65 business days.
 - (g) If the decision is to not evaluate, prior written notice, in accordance with 8 VAC 20-81-170, shall be given to the parent(s).

3. PARENTAL CONSENT REQUIREMENTS

- (a) Parental consent is not required before reviewing existing data as part of an evaluation.
- (b) Parental consent is not required before administering a test or other evaluation that is administered to all children, unless parental consent is required before administration to all children.
- (c) Parental consent for an initial evaluation shall not be construed as consent for initial provision of special education and related services.
- (d) Petersburg City Public Schools shall make reasonable efforts to obtain parental consent for an initial evaluation to determine whether the child is a child with a disability.

- (e) For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent, Petersburg City Public Schools is not required to obtain parental consent to determine whether the child is a child with a disability if:
 - (i) Despite reasonable efforts to do so, Petersburg City Public Schools cannot discover the whereabouts of the parent of the child;
 - (ii) The rights of the parents of the child have been terminated in accordance with Virginia law; or
 - (iii) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with Virginia law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
 - (iv) Petersburg City Public Schools shall then proceed with evaluating the child without finalizing the appointment of a surrogate parent.
- (f) If the parent fails or refuses to provide consent for the initial evaluation, Petersburg City Public Schools may, but is not required to, use the dispute resolution options of mediation or due process to pursue the initial evaluation of the child. Petersburg City Public Schools is not in violation of its obligation under child find or other free appropriate public education provisions if it declines to pursue the evaluation.
- (g) If a parent of a child who is home-instructed or home-tutored, or who is placed in a private school by the parent(s) at the parent's own expense, does not provide consent for initial evaluation, or the parent fails to respond to a request to provide consent, Petersburg City Public Schools will not use mediation or due process to pursue the initial evaluation.

III. EVALUATION AND REEVALUATION

1. DETERMINATION OF NEED FOR EVALUATION DATA

- (a) To determinate the need for evaluation data for initial evaluation or reevaluation, a group that is comprised of the same individuals as an IEP team and other qualified professionals, as appropriate, shall:
 - (i) Review existing evaluation data on the child, including:
 - (A) Evaluations and information provided by the parent(s) of the child;
 - (B) Current classroom-based, local, or state assessments and classroom-based observations; and
 - (C) Observations by teachers and related services providers; and
 - (ii) On the basis of that review and input from the child's parent(s), identify what additional data, if any, are needed to determine:
 - (A) Whether the child is, or continues to be, a child with a disability;
 - (B) The present educational needs of the child;
 - (C) The child's present level of academic achievement and related developmental needs;
 - (D) Whether the child needs or continues to need special education and related services; and
 - (E) Whether any additions or modifications to the special education and related services are needed (I) to enable the child to meet the measurable annual goals set out in the IEP of the child, and (II) to participate, as appropriate, in the general education curriculum.
- (b) Conduct of review. The group completing the review may conduct its review without a meeting.
 - (i) If the review is conducted without a meeting, Petersburg City Public Schools shall provide notice to ensure that the parent(s) has the opportunity to participate in the review.
 - (ii) If there is a meeting, Petersburg City Public Schools shall provide notice of the meeting early enough to ensure that the parent(s) will have an opportunity to participate.

- (iii) The notice:
 - (A) May be in writing, or given by telephone or in person with proper documentation;
 - (B) Shall indicate the purpose, date, time, and location of the meeting, and who will be in attendance; and
 - (C) Shall inform the parent(s) that the parents and/or Petersburg City Public Schools may invite other individuals to participate who have knowledge or special expertise about the child.
- (c) Need for additional data. Petersburg City Public Schools shall administer tests and other evaluation materials as may be needed to produce the data identified in this subsection.
- (d) Requirements if additional data are not needed:
 - (i) If the 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 then the team may conduct a review of existing data to determine eligibility and the child's educational needs. Petersburg City Public Schools shall provide the child's parent(s) with prior written notice of the determination to review existing data, including information regarding:
 - (A) The determination and the reasons for it; and
 - (B) The right of the parent(s) to request an evaluation to determine whether the child continues to be a child with a disability and to determine the child's educational needs.
 - (ii) Petersburg City Public Schools is not required to conduct the evaluation to gather additional information to determine whether the child continues to have a disability and to determine the child's educational needs, unless the child's parent(s) requests the evaluation for these specific purposes.
 - (iii) This process shall be considered the evaluation if no additional data is needed.
- (e) If the team determines not to evaluate a child suspected of a disability, prior written notice, in accordance with 8 VAC 20-81-170, shall be given to the parent(s), including the parent's rights to appeal the decision through due process proceedings.

2. ASSESSMENT/EVALUATION MATERIALS AND PROCEDURES

- (a) Assessments and other evaluation materials used to assess a child under this chapter must be:
 - (i) Selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (ii) Provided and administered in the child's native language and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
 - (iii) Used for the purposes for which the assessments or measures are valid and reliable; and
 - (iv) Administered by trained and knowledgeable personnel in accordance with the instructions provided by the producer of the assessments.
- (b) Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure 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.
- (c) A variety of assessment tools and strategies shall be used to gather relevant functional, developmental, and academic information about the child that may assist in determining whether the child is a child with a disability and the content of the child's IEP. This information shall include information provided by the parent(s), and information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities).
- (d) The assessment tools and strategies used provide relevant information that directly assists persons in determining the educational needs of the child.
- (e) 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 test administration) shall be included in the evaluation report.
- (f) Any non-standardized assessment administered by qualified personnel may be used to assist in determining whether the child is a child with a disability and the contents of the child's IEP.

- (g) Assessments and other evaluation materials shall include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- (h) Assessments shall be selected and administered so as to best ensure that if an assessment is administered to a child with impaired sensory, motor, or communication skills, the assessment 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, motor, or communication skills (except where those skills are the factors that the test purports to measure).
- (i) The evaluation shall be 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.
- (j) Technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors shall be used.
- (k) No single measure or assessment may be used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for a child.
- (l) If the evaluation requires assessments in more than one area relating to the suspected disability, a group of persons, including at least one teacher or other specialist with knowledge in the area of the suspected disability, shall complete the assessments.
- (m) For a child suspected of having a specific learning disability, the evaluation shall include an observation of academic performance in the regular classroom by at least one team member other than the child's regular teacher. In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.
- (n) Each child shall be assessed by a qualified professional in all areas relating to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, motor abilities, and adaptive behavior. These assessments may include educational, medical, sociocultural, psychological, or developmental assessments.
 - (i) The hearing of each child suspected of having a disability shall be screened during the eligibility process prior to initial determination of eligibility for special education and related services.
 - (ii) A complete audiological assessment, including tests that will assess inner and middle ear functioning, shall be performed on each child who

is hearing impaired or deaf or who fails two hearing screening tests.

3. PARENTS TO BE PROVIDED WITH EVALUATION RESULTS

- (a) The evaluation report(s) shall be available to the parent(s) no later than two business days before the meeting to determine eligibility.
 - (i) A written copy of the evaluation report(s) shall be provided to the parent(s) prior to or at the meeting where the eligibility group reviews the evaluation report(s) or immediately following the meeting, but no later than 10 days after the meeting.
 - (ii) The evaluation report(s) shall be provided to the parent(s) at no cost.

4. ASSESSMENT/EVALUATION OF TRANSFER STUDENTS

- (a) Assessments of children with disabilities or suspected of having a disability who transfer from one local educational agency to another local educational agency in the same school year shall be coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with 8 VAC 20-81-60.B.1.g, to ensure prompt completion of full evaluations.

5. REEVALUATION

- (a) A reevaluation shall be conducted:
 - (i) If Petersburg City Public Schools determines that the child's educational or related service's needs, including improved academic achievement and functional performance, warrants a reevaluation;
 - (ii) If the child's parent(s) or teacher requests a reevaluation; or
 - (iii) At least once every three years, unless the parent and Petersburg City Public Schools agency agrees that a reevaluation is unnecessary.
- (b) Petersburg City Public Schools shall not conduct a reevaluation more than once a year unless the parent(s) and Petersburg City Public Schools agree otherwise. If Petersburg City Public Schools does not agree with the parent's request for a reevaluation, Petersburg City Public Schools shall provide the parent(s) with prior written notice in accordance with 8 VAC 20-81-170.
- (c) Petersburg City Public Schools shall conduct a reevaluation in accordance with the requirements of Section III.1-4 of these procedures (see also 8 VAC 20-81-70.B).

6. PARENT CONSENT FOR REEVALUATION

- (a) Informed parental consent is required before conducting any reevaluation of a child with a disability.
 - (i) If Petersburg City Public Schools can demonstrate that it has taken reasonable measures to obtain consent and the child's parent(s) has failed to respond, Petersburg City Public Schools shall proceed as if consent has been given by the parent(s). Reasonable measures include providing notice to the parent(s) in writing (or by telephone or in person with proper documentation).
 - (ii) If the parent(s) refuses consent, Petersburg City Public Schools may continue to pursue those evaluations by using due process or mediation procedures. Petersburg City Public Schools does not violate its obligation under this chapter if it declines to pursue the reevaluation.
- (b) Parental consent is not required before:
 - (i) Review of existing data as part of an evaluation or reevaluation;
 - (ii) A teacher's or related service provider's observations or ongoing classroom evaluations; or
 - (iii) 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.
- (c) If a parent of a child who is home-instructed or home-tutored, or who is placed in a private school by the parents at their own expense, does not provide consent for reevaluation, or the parent(s) fails to respond to a request to provide consent, Petersburg City Public Schools may not use mediation or due process to pursue the reevaluation. In this instance, Petersburg City Public schools is not required to consider the child as eligible for equitable services under the provisions of 8 VAC 20-81-150 for parentally placed students.

7. TIMELINES FOR EVALUATION.

- (a) The reevaluation process, including eligibility determination, shall be initiated in sufficient time to complete the process prior to the third anniversary of the date eligibility was last determined.
- (b) If a reevaluation is conducted for purposes other than the child's triennial, the reevaluation process, including eligibility determination, shall be completed in 65 business days of the receipt of the referral by the special education administrator or designee for the evaluation.
- (c) The parent and eligibility group may agree in writing to extend the 65 business day timeline to obtain additional data that cannot be obtained within the 65 business days.

8. GRADUATION AS A CHANGE IN PLACEMENT

- (a) Petersburg City Public Schools is not required to evaluate a child with a disability who graduates with a standard diploma or advanced studies diploma.
- (b) Since graduation is a change in placement, Petersburg City Public Schools is required to provide the parent with prior written notice in accordance with 8 VAC 20-81-170.

IV. ELIGIBILITY

1. ELIGIBILITY DETERMINATIONS ARE INDIVIDUALIZED

- (a) The determination that a child is eligible for special education and related services shall be made on an individual basis by a group as designated in Section IV.3 of these Procedures.

2. ELIGIBILITY GROUP DETERMINATION REQUIRED

- (a) Upon completion of the administration of assessments and other evaluation materials or after determining that additional data are not needed, a group of qualified professionals and the parent(s) of the child shall determine whether the child is, or continues to be, a child with a disability and the educational needs of the child. If a determination is made that a child has a disability and requires special education and related services, an IEP shall be developed in accordance with the requirements of 8 VAC 20-81-110.
- (b) The determination that a child is eligible for special education and related services shall be made on an individual basis by a group that includes the child's parent(s) that is collectively qualified to:
 - (i) Conduct, as appropriate, individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development and social-emotional development;
 - (ii) Interpret assessment and intervention data, and apply critical analysis to those data; and
 - (iii) Develop appropriate educational and transitional recommendations based on the assessment data.

2. ELIGIBILITY GROUP DETERMINATION REQUIRED

- (a) Upon completion of the administration of assessments and other evaluation materials or after determining that additional data are not needed, a group of qualified professionals and the parent(s) of the child shall determine whether the child is, or continues to be, a child with a disability and the educational needs of the child. If a determination is made that a child has a disability and requires special education and related services, an IEP shall be developed in accordance with the requirements of 8 VAC 20-81-110.
- (b) The determination that a child is eligible for special education and related services shall be made on an individual basis by a group that includes the child's parent(s) that is collectively qualified to:

- (i) Conduct, as appropriate, individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development and social-emotional development;
- (ii) Interpret assessment and intervention data, and apply critical analysis to those data; and
- (iii) Develop appropriate educational and transitional recommendations based on the assessment data.

3. ELIGIBILITY GROUP COMPOSITION

- (a) The eligibility group composition may be an IEP team, as defined in 8 VAC 20-81-110, as long as the above requirements and notice requirements of 8 VAC 20-81-170 are met.
- (b) The group shall include, but not be limited to:
 - (i) Petersburg City Public Schools personnel representing the disciplines providing assessments;
 - (ii) The special education administrator or designee;
 - (iii) The parent(s);
 - (iv) A special education teacher;
 - (v) The child's general education teacher or if the child does not have a general education teacher, a general education teacher qualified to teach a child of the child's age; or for a child of less than school age, an individual qualified to teach a child of the child's age; and
 - (vi) At least one person qualified to conduct individual diagnostic examinations of children, such as school psychologist, speech-language pathologist, or remedial reading teacher.

4. PROCEDURES FOR DETERMINING ELIGIBILITY AND EDUCATIONAL NEED

- (a) In interpreting evaluation data for the purpose of determining if a child is a child with a disability and determining the educational needs of the child, Petersburg City Public Schools shall:
 - (i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and

- (ii) Ensure that information from all these sources is documented and carefully considered.
- (b) The group shall provide procedural safeguards in determining eligibility and in ensuring the confidentiality of records.
- (c) Observation: Petersburg City Public Schools shall ensure that the child is observed in the child's learning environment (including the general education classroom setting) to document the child's academic performance and behavior in the areas of difficulty.
 - (i) The eligibility group, in determining whether a child is a child with a disability shall:
 - (A) Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation; or
 - (B) Have at least one member of the eligibility group conduct an observation of the child's academic performance in the general education classroom after the child has been referred for an evaluation and parental consent has been obtained consistent with the requirements of 8 VAC 20-81-170.
 - (ii) In the case of a child of less than school age or out of school, a group member shall observe the child in an environment appropriate for a child of that age.
- (d) A child shall not be determined to be eligible under this chapter if the child does not otherwise meet the eligibility criteria, or the determinant factor is:
 - (i) Lack of appropriate instruction in reading, including the essential components of reading instruction:
 - (A) Phonemic awareness;
 - (B) Phonics;
 - (C) Vocabulary development;
 - (D) Reading fluency, including oral reading skills; and
 - (D) Reading comprehension strategies.
 - (ii) Lack of appropriate instruction in math; or
 - (iii) Limited English proficiency.

- (e) Petersburg City Public Schools shall provide the parent with a copy of the documentation of the determination of eligibility at no cost. This documentation shall include a statement of:
 - (i) Whether the child has a specific disability.
 - (ii) The basis for making the determination, including an assurance that the determination has been made in accordance with the provisions of this section regarding determining eligibility and educational need.
 - (iii) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning.
 - (iv) The educationally relevant medical findings, if any.
 - (v) The instructional strategies used and the student-centered data collected if the child has participated in a response to scientific, research-based intervention process. This document shall also include:
 - (A) Petersburg City Public Schools notification to the parent of the Virginia Department of Education's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
 - (B) The strategies that were used to increase the child's rate of learning; and
 - (C) The parent's right to request an evaluation.
- (f) For identification of a child with a specific learning disability:
 - (i) The criteria for determining the existence of a specific learning disability are met if:
 - (A) The child does not achieve adequately for the child's age or to meet Virginia-approved grade-level standards in one or more of the following areas when provided with learning experiences and
- (g) The eligibility group shall consider, as part of the evaluation, data that demonstrates that prior to, or as part of the referral process, the child was provided appropriate high-quality, researched-based instruction in general education settings, consistent with § 1111(b)(8)(D) and (E) of the ESEA, including that the instruction was delivered by qualified personnel. There shall be data-based documentation that repeated assessments of achievement at reasonable intervals, reflecting that a formal assessment of the student's progress

during instruction was provided to the child's parents.

- (h) The eligibility group shall work toward consensus. If the group does not reach consensus and the decision does not reflect a particular member's conclusion, then the group member shall submit a written statement presenting that member's conclusion.

- (i) Petersburg City Public Schools shall obtain written parental consent for the initial eligibility determination. Thereafter, written parental consent shall be secured for any change in categorical identification in the child's disability.
- J) The eligibility group shall have a written summary that consists of the basis for making its determination as to the eligibility of the child for special education and related services. The written summary shall include any written statement from a member whose conclusion differs from the other members' determination. The summary statement may include other recommendations. The written summary shall be maintained in the child's scholastic record.
- (k) The written summary shall be forwarded to the IEP team, including the parent, upon determination of eligibility. The summary statement may include other recommendations.
- (l) With reevaluations, if the eligibility group determines that there is not a change to the child's eligibility for special education and related services, and educational needs, the IEP team is not required to convene, unless the parent requests that the IEP team meets.

5. WHEN IDENTIFICATION BY DISABILITY NOT REQUIRED

- (a) Petersburg City Public Schools does not require that children be identified by their disability on IEPs, Petersburg City Public Schools communications to parents regarding eligibility determinations, or other similar communications to parents. For such communications, Petersburg City Public Schools shall identify that each child has a disability under the Regulations Governing Special Education Programs for Children with Disabilities in Virginia, and by reason of that disability needs special education and related services, and is regarded as a child with a disability.

6. ELIGIBILITY FOR RELATED SERVICES

- (a) A child with a disability shall be found eligible for special education in order to receive related services.
- (b) Once a child is found eligible for special education, decisions about the need for related services shall be made by the IEP team. An evaluation for related services may be conducted as determined appropriate by the IEP team and with consent from the parents.

7. TWO-YEAR-OLD CHILDREN PREVIOUSLY SERVED BY PART C

- (a) A child, aged two, previously participating in early intervention services assisted under Part C of the Individuals with Disabilities Education Act, shall meet the requirements of this chapter to be determined eligible under Part B of the Individuals with Disabilities Education Act.
- (b) For a child served by Part C after age two, and whose third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin for the child.

8. CRITERIA FOR DETERMINING ELIGIBILITY

- (i) For all children suspected of having a disability, Petersburg City Public Schools shall:
 - (A) Use the criteria and worksheets adopted by the Virginia Department of Education, as outlined in the Regulations Governing Special Education Programs for Children with Disabilities in Virginia, for determining whether the child has a disability; and
 - (B) Have documented evidence that, by reason of the disability, the child needs special education and related services.

9. INDEPENDENT EDUCATIONAL EVALUATIONS

- (i) Petersburg City Public Schools shall provide to the parent(s) of a child with a disability, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained and the applicable criteria for independent educational evaluations.

10. RESPONSE TO INTERVENTION

- (a) The Virginia Department of Education permits Petersburg City Public Schools to use a process for determining whether a child has a disability based on the child's response to scientific, research-based intervention and permits each local educational agency to use other alternative research-based intervention and procedures.
- (b) Petersburg City Public Schools may choose to implement a scientific, research-based intervention program or other alternative research-based intervention.

11. CHILDREN FOUND NOT ELIGIBLE FOR SPECIAL EDUCATION

- (a) When a child is found not eligible for special education, information relevant to instruction for a child shall be provided to the child's teachers or any appropriate committee.
 - (i) Parental consent to release information shall be secured for children who are placed by their parents in private schools that are not located in Petersburg City Public Schools of the parent's residence.
- (b) If Petersburg City Public Schools decides that a child is not eligible for special education and related services, prior written notice, in accordance with 8 VAC 20-81-170 shall be given to the parent(s).

V. SURROGATE PARENTS

1. ROLE OF A SURROGATE PARENT

- (a) The surrogate parent appointed in accordance with this section represents the child in all matters relating to the identification, evaluation, or educational placement of the child; or the provision of a free appropriate public education to the child.

2. WHEN APPOINTMENT OF A SURROGATE PARENT IS REQUIRED

- (a) Children, aged two to 21, inclusive, who are suspected of having or determined to have disabilities do not require a surrogate parent if the parent(s) or guardians are allowing relatives or private individuals to act as a parent.
- (b) Unless the exception outlined in Section V.2.a of these Procedures ((see also) 8 VAC 20-81-220 A 1) applies, the Director of Special Education shall appoint a surrogate parent for a child, aged two to 21, inclusive, who is suspected of having or determined to have a disability when:
 - (i) No parent, as defined in 8 VAC 20-81-10, can be identified;
 - (ii) Petersburg City Public Schools, after reasonable efforts, cannot discover the whereabouts of a parent;
 - (iii) The child is a ward of the state and either subdivision V.2.b.i or V.2.b.ii of these procedures are also met; or
 - (iv) The child is an unaccompanied homeless youth as defined in § 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11434a(6)) and § 22.1-3 of the Code of Virginia and either subdivision 2 a or 2 b of this subsection is met.
- (c) The Director of Special Education shall appoint a surrogate parent as the educational representative for a child who reaches the age of majority if Petersburg City Public Schools has received written notification that the child is not competent to provide informed consent in accordance with 8 VAC 20-81-180.C.3 or C.4 and no family member is available to serve as the child's educational representative.
- (d) If the child is a ward of the state, the judge overseeing the child's case may appoint a surrogate parent as the educational representative of the child. The appointed surrogate is not an employee of the Virginia Department of Education, the local educational agency, or any other agency that is involved in the education or care of the child

3. PROCEDURES FOR APPOINTMENT OF A SURROGATE PARENT

- (a) The Director of Special Education shall determine whether a child needs a surrogate parent.
- (b) The Director of Special Education shall appoint a surrogate parent to any child determined to be in need of a surrogate parent, as required by Subsection V.3.a of these Procedures. The surrogate parent shall be appointed within 30 calendar days of the determination that a surrogate parent is necessary.
 - (i) The appointment having been effected, Petersburg City Public Schools shall notify in writing:
 - (A) The child with a disability aged two to 21, inclusive, as appropriate to the disability;
 - (B) The surrogate parent-appointee; and
 - (C) The person charged with responsibility for the child.
 - (ii) The surrogate parent serves for the duration of the school year for which the surrogate parent is appointed unless a shorter time period is appropriate given the content of the child's IEP.
 - (iii) If the child requires the services of a surrogate parent during the summer months, Petersburg City Public Schools shall extend the appointment as needed, consistent with timelines required by law.
 - (iv) At the conclusion of each school year, the appointment of surrogate parents shall be renewed or not renewed following a review by Petersburg City Public Schools.

4. CHANGE OR TERMINATION OF THE ASSIGNMENT OF A SURROGATE

- (a) Petersburg City Public Schools may change or terminate the assignment of a surrogate parent before that surrogate parent's appointment has expired.
- (b) Established procedures shall provide the right to request a hearing to challenge the qualifications of a surrogate parent, in accordance with Subsection V.8 of these Procedures.
- (c) Established procedures shall provide the right to request a hearing to challenge the termination if the termination occurs prior to the end of the term of appointment, in accordance with Subsection V.8 of these Procedures.
- (d) The assignment of a surrogate parent may be terminated only when one or more of the circumstances occur as follows:
 - (i) The child reaches the age of majority and rights are transferred to the child or to an educational representative who has been appointed for

the child in accordance with the procedures in 8 VAC 20-81-180;

- (ii) The child is found no longer eligible for special education services and the surrogate parent has consented to the termination of services;
- (iii) Legal guardianship for the child is transferred to a person who is able to carry out the role of the parent;
- (iv) The parent(s), whose whereabouts were previously unknown, are now known and available; or
- (v) The appointed surrogate parent is no longer eligible according to 8 VAC 20-81-220.E.

5. IDENTIFICATION AND RECRUITMENT OF SURROGATE PARENTS

- (a) Petersburg City Public Schools shall develop and maintain a list of individuals within its jurisdiction who are qualified to serve as surrogate parents. It may be necessary for Petersburg City Public Schools to go beyond jurisdictional limits in generating a list of potentially qualified surrogate parents.
- (b) Individuals who are not on Petersburg City Public Schools' list may be eligible to serve as surrogate parents, subject to Petersburg City Public Schools' discretion. In such situations, the needs of the individual child and the availability of qualified persons who are familiar with the child and who would otherwise qualify shall be considerations in Petersburg City Public Schools' determination of surrogate eligibility. Other factors that the Petersburg City Public Schools may consider include:
 - (i) Consideration of the appointment of a relative to serve as surrogate parent; and
 - (ii) The appropriateness of the child's participation in the selection of the surrogate parent.

6. QUALIFICATION OF A SURROGATE PARENT

- (a) Petersburg City Public Schools shall ensure that a person appointed as a surrogate:
 - (i) Has no personal or professional interest that conflicts with the interest of the child;
 - (ii) Has knowledge and skills that ensure adequate representation of the child;
 - (iii) Is not an employee of the Virginia Department of Education, Petersburg City Public Schools or any other agency that is involved in the education or care of the child; and
 - (iv) Is of the age of majority.

- (b) A person who otherwise qualifies to be a surrogate parent is not an employee of the agency solely because the person is paid by the agency to serve as a surrogate parent.
- (c) If the child is an unaccompanied homeless youth, appropriate staff of an emergency shelter, transition shelter, independent living program, or street outreach program may be appointed as a temporary surrogate even though the staffmember is an employee of an agency that is involved in the education or care of the child. The temporary surrogate shall otherwise meet the qualifications of a surrogate, and may serve only until a surrogate parent meeting all of the qualifications outlined in this section can be assigned.

7. RIGHTS OF SURROGATE PARENTS

- (a) The surrogate parent, when representing the child's educational interest, has the same rights as those accorded to parents under the Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

8. HEARING PROCEDURES

- (a) An eligible student or other individual as permitted by law may request a hearing to challenge the qualifications or termination of a surrogate parent.
- (b) A request for a hearing shall be provided, in writing, to the Director of Special Education. The request must identify:
 - (i) The applicable student;
 - (ii) The surrogate;
 - (iii) Whether the challenge is to the qualifications or termination of the surrogate;
 - (iv) An full explanation of why the requestor believes the surrogate is not qualified or should not be terminated, as applicable; and
 - (v) The requestor's name, signature and the date of the request.

- (c) The Division Superintendent or designee (the designee must be someone other than the Director of Special Education) may hold the hearing or appoint a designee. The individual who holds the hearing shall be different from the individual who appointed or terminated the surrogate parent, as applicable.
- (d) The hearing is informal. The requestor, eligible student, surrogate parent, Petersburg City Public Schools staff or other interested party may present witnesses and/or documentary evidence relevant to the issue.
- (e) The requestor, eligible student and surrogate parent shall be notified in writing at least three business days in advance of the date, time and place of the hearing.
- (f) Any interested party may be, at his or her own expense, assisted by another person, including an attorney.
- (g) Within 10 business days of the hearing, a written decision should be issue to the eligible student and surrogate parent. The decision shall be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.

VI. EXCUSAL OF IEP TEAM MEMBERS

1. EXCUSAL OF REQUIRED IEP TEAM MEMBERS

- (a) A required member of the IEP team described in subdivisions 8 VAC 20- 81- 110.C.1.b through C.1.e is not required to attend an IEP team meeting, in whole or in part, if the parent and the local educational agency agree, in writing, that the attendance of this member is not necessary because the team member's area of the curriculum or related services is not being modified or discussed in the meeting.
- (b) A required member of the IEP team may be excused from attending the IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services, if:
 - (i) The parent and the local educational agency consent in writing to the excusal; and
 - (ii) The member submits, in writing, to the parent and the IEP team input into the development of the IEP prior to the meeting.

VII IEP MEETINGS PROCEDURE

1. IEP GROUP COMPOSITION

- (a) Petersburg City Public Schools will ensure that an IEP is developed and implemented for each child with a disability at the beginning of each school year, with the exception of children placed in private school by parents when a free appropriate public education is not at issue as defined in 8VAC-20-81-110.
- (b) Petersburg City Public Schools shall ensure that the IEP team for each child with a disability includes:
 - (i) The parent(s) of the child;
 - (ii) Not less than one regular education teacher of the child (if the child is or may be participating in the regular educational environment);
 - (iii) Not less than one special education teacher of the child or, if appropriate, not less than one special education provider of the child. For a child whose only disability is speech-language impairment, the special education provider shall be the speech-language pathologist;
- (c) A representative of the division who is:
 - (i) Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
 - (ii) Knowledgeable about the general education curriculum; and
 - (iii) Knowledgeable about the availability of resources of the local education agency. A local educational agency may designate another member of the IEP team to serve simultaneously as the agency representative if the individual meets the above criteria;
- (d) An individual who can interpret the instructional implications of evaluation results. This individual may be a member of the team serving in another capacity, other than the parent of the child;
- (e) At the discretion of the parent(s) or local educational agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate. The determination of knowledge or special expertise of any individual shall be made by the party (parent(s) or local educational agency) who invited the individual to be a member of the team; and
- (f) Whenever appropriate, the child in accordance with 8VAC-20-81-110. (34 CFR 300.321)

2. Least Restrictive Environment and Placements

- (a) Petersburg City Public Schools will ensure all least restrictive environment and placement will be based on continuum of placements and the individual needs of each student. The team may consider placement options in conjunction with discussing any needed supplementary aids and services, accommodations/modifications, assistive technology and/or accessible materials, and supports for school personnel according to 8VAC20-81-130.
- (b) Petersburg City Public School will safeguard the due process rights of students with disabilities under Code of Virginia and Petersburg City Public Schools disciplinary policies and procedures. When considering change of placement due to behavior, Petersburg City Public School shall require IEP teams to have

appropriate documentation of interventions and strategies such as; Functional Behavior Assessment, Behavior Intervention Plan. Petersburg City Public School will conduct Manifestation Determination Review if the home school is contemplating a removal that constitutes a change in placement for a child with a disability who has violated a code of student conduct of the local educational agency that applies to all students or a short-term removal described in 8VAC20-81-160. (34 CFR 300.530)

3. CREDIT ACCOMMODATION

- (a) Credit accommodations for the students on a standard diploma in Petersburg City Public Schools shall be determined by the student's Individualized Education Program (IEP) team or 504 plan committee, at any point after the student's eighth grade year. Students should be included in these meetings where appropriate. After review of the student's academic history and full disclosure of the student's options, the IEP team or 504 plan committee at Petersburg High School must secure the informed written consent of the parent/guardian and the student, as appropriate, to choose credit accommodations. This information must be documented in the IEP or 504 plan.
- (b) The following criteria must be met in order for the student to be eligible to receive credit accommodations for the standard diploma:
 - (i) The student must have a current IEP or 504 plan with standards-based content goals.
 - (ii) The student is learning grade level content, but is unlikely to achieve and make progress commensurate with grade level expectations due to the intensity of his/her disability.
 - (iii) The student needs significant instructional supports to access grade level Standards of Learning (SOL) content and to show progress.
 - (iv) Based on multiple objective measures of past performance, data indicates that the student is unlikely to achieve the required standard and verified units of credit within the standard time frame.

4. PRIOR WRITTEN NOTICE

- (a) Petersburg City Public Schools will provide a parent within 5 business day a Prior Written Notice which shall include: (34 CFR 300.503(b))
 - (i) A description of the action proposed or refused by the local educational agency.
 - (ii) An explanation of why the local educational agency proposes or refuses to take the action;
 - (iii) A description of any other options the IEP team considered and the reasons for the rejection of those options;
 - (iv) A description of each evaluation procedure, assessment, record, or report the local educational agency used as a basis for the proposed or refused action; e. A description of any other factors that is relevant to the local educational agency's proposal or refusal;
 - (v) A statement that the parent(s) of a child with a disability have protection under the procedural safeguards of this chapter and, if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
 - (v) Sources for the parent(s) to contact in order to obtain assistance in understanding the provisions of this section.

4. Procedure Safe guards

- (a) A copy of the procedural safeguards available to the parent(s) of a child with a disability shall be given to the parent(s) by the local educational agency only one time a school year, except that a copy shall be given to the parent(s) upon:
 - (i) Initial referral for or parent request for evaluation;
 - (ii) If the parent requests an additional copy;
 - (iii) Receipt of the first state complaint during a school year;
 - (iv) Receipt of the first request for a due process hearing during a school year; and
 - (v) On the date on which the decision is made to make a disciplinary removal that constitutes a change in placement because of a violation of a code of student conduct.

VIII. IEP ADDENDUM/AMENDMENT WITHOUT A MEETING

1. MEETING NOT REQUIRED

- (a) After the annual IEP team meeting for the school year, the parent(s) and Petersburg City Public Schools may agree not to convene an IEP team meeting for the purposes of making changes to the IEP. Instead, a written document may be developed to amend or modify the child's current IEP.
 - (i) If changes are made to the child's IEP, the local educational agency shall ensure that the child's IEP team is informed of those changes.
 - (ii) Upon request, a parent shall be provided with a revised copy of the IEP with the addendum/amendments incorporated.
- (b) This meeting is not a substitute for the required annual IEP meeting.
- (c) For the purposes of this subsection, only the child's Case Manager, in consultation with the Supervisor of Special Education, has the authority to agree on behalf of Petersburg City Public Schools to amend or modify a child's current IEP without a meeting.

IX. AUDIO AND VIDEO RECORDINGS

1. AUDIO RECORDING PERMITTED AT SPECIFIC MEETINGS

- (a) Petersburg City Public Schools permits the use of audio recording devices at meetings convened to:
 - (i) determine a child's eligibility under 8 VAC 20-81-80;
 - (ii) to develop, review, or revise the child's IEP under 8 VAC 20-81-110.F;
 - (iii) and to review discipline matters under 8 VAC 20-81-160.D.
- (b) The parent(s) shall inform Petersburg City Public Schools before the meeting in writing, unless the parents cannot write in English, that they will be audio recording the meeting.
- (c) If the parent(s) does not inform Petersburg City Public Schools, the parent(s) shall provide Petersburg City Public Schools with a copy of the audio recording.
- (d) The parent(s) shall provide their own audio equipment and materials for audio recording.
- (e) If Petersburg City Public Schools audio records meetings or receives a copy of an audio recording from the parent(s), the audio recording becomes a part of the child's educational record.
- (f) The use of audio recording devices at meetings other than those identified in subdivision VII.1.a of these Procedures of this section is prohibited.

2. VIDEO RECORDING PROHIBITED

- (a) Video recording devices at meetings regarding students, including meetings convened pursuant to the IDEA or Regulations Governing Special Education Programs for Students with Disabilities in Virginia, are prohibited

3. EXCEPTIONS

- (a) Audio recordings otherwise prohibited by this section are permitted if they are necessary to ensure that the parent(s) understands the IEP, the special education process, or to implement the parental rights under this chapter.
- (b) Audio recordings of meetings pursuant to this subsection shall be subject to the requirements of Subsection VIII.1.b. through VIII.1.d. of these Procedures.

X. DISPROPORTIONALITY

1. WHEN DISPROPORTIONALITY PROCEDURES ARE IN EFFECT

- (a) These procedures shall be in effect only in the event that the Petersburg City Public Schools is determined by the VDOE to have a significant disproportionality based on race and ethnicity in any of the following areas:
 - (i) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in 8 VAC 20-81-10, "Child with a disability";
 - (ii) The placement in particular educational settings of these children; and
 - (iii) The incidence, duration, and type of disciplinary actions, including suspensions and expulsions,

XI. CORRECTION OF DISPROPORTIONALITY

- (a) In the event that Petersburg City Public Schools is determined to have a significant disproportionality as described in VII.1 of these Procedures, it will, as required:
 - (i) review and, if appropriate, provide for the revision of the policies, procedures, and practices used in the identification or placement of children with disabilities to ensure that the policies, procedures, and practices comply with the applicable requirement;
 - (ii) reserve the maximum amount of funds under this chapter to provide comprehensive coordinated early intervening services to serve children in the local educational agency, particularly, but not exclusively, children in those groups that were significantly over-identified; and/or
 - (iii) publicly report on the revision of policies, practices, and procedures addressing the disproportionality

XII. Home-based/Private Day School Procedure

- a. Discipline infraction warrants referral to the placement committee for general education and special education students. If student is a special education student, a MDR meeting by the IEP team was held and the outcome of the MDR meeting determined that the discipline infraction was independent of the student's disability. Based on this decision the special education student will adhere to the sanction determined yet still receive special education services as outlined in the IEP. The MDR report must be included in the discipline packet.
- b. Before the placement hearing, the student placement packet must be completed to include the MDR (if applicable). The student placement packet must be completed within 48 hours of the incident and submitted to Student Services. Student Services will schedule the placement hearing. A follow-up phone call to the parent/guardian will take place the day of the placement hearing.
- c. If the placement committee determines that the sanction is Short Term Home-based services the decision forms will be completed by Discipline Coordinator and a letter to the parent/guardian and assigned home based teacher will be drafted and delivered. The decision forms will be issued to the student's home school, Student Services and the parent/guardian of the student.
- d. Student assignment progress is recorded by the home-based teacher. The progress report is submitted to the student's home school. Copies of the progress are issued to the School's classroom teacher of record for entry in the Student Information System grade book, Guidance Counselor, and the Student Services Department. Maintenance of Information-Student Services Department will maintain home-based teacher time sheet, instructional material and monitor the placement
- e. The outcome of the discipline placement committee determines that the major discipline infractions must be reviewed by the School Board. These discipline referrals are for general education and special education students**.
- f. If the student is a special education student, a MDR meeting by the IEP team was held and the outcome of the MDR meeting determined that the discipline infraction was independent of the student's disability. Based on this decision the special education student will adhere to the sanction determined yet still receive special education services as outlined in the IEP. The MDR report must be included in the discipline packet.
- g. School Board discipline reviews are scheduled by Students Services Administrative

Assistant/Discipline Coordinator.

- h. The student will be placed on home-based service pending School Board review. If the student is a special education student he/she will receive special education services as outlined in the IEP while home-based. Student Services will assign the home-based teacher.
- i. A letter from the School Board will be drafted and submitted to parent/guardian, Student Services, the student's home school, and the home-based teacher. If the student is a special education student the letter will be submitted to the Case Manager/Special Education Department
- j. Student assignment progress is recorded by the home-based teacher. The progress report is submitted to the student's home school. Copies of the progress are issued to the School's classroom teacher of record for entry in the Student Information System grade book, Guidance Counselor, and the Student Services Department.
- k. Maintenance of Information-Student Services Department will maintain home-based teacher time sheet, instructional material and monitor the placement.
- l. If the School Board Disciplinary Committee makes the recommendation to address student issues through wrap around services, the Intervention Specialist will collaborate with the student's home school to assist the family with scheduling a VICAP Assessment. If the student is not eligible for a VICAP, the Intervention Specialist will then inform the Director of Student Support and assist the school with completing a FAPT referral and schedule a FAPT date.
- m. Petersburg City Public Schools will ensure all least restrictive environment and placement will be based on continuum of placements and the individual needs of each student in accordance with 8VAC-20-81-110. (34 CFR 300.321). When considering a change in a student with a disability least restrictive environment, the PCPS IEP team must notify the Supervisor of SPED and invite the division Local Education Agency Representative (LEA) to the students IEP meeting. The LEA Representative, in coordination with the Supervisor of Special Education, will determine the private day school based on the student's disability category, academic, social/emotional needs. The LEA Representative will schedule a Family Assessment Planning Team meeting for the parent and Private Day School. PCPS and the Private Day School will conduct an IEP meeting within 30 days to address services, goals, and transition plan for the students return to the home school. Upon returning to the home school, the LEA Representative will schedule an IEP meeting and invite the administrator of the home school to determine goals, services, and accommodations and least restrictive environment. Petersburg City Public Schools will ensure all least restrictive environment and placement will be based on continuum of placements and the individual needs of each student. The IEP team

will implement a Functional Behavior Assessment and a Behavior Intervention Plan (if necessary) prior to the student attending the home school.

XIII. Transfer Procedures

1. Students with Disabilities Transfer Procedures
 - a. Children with disabilities who transfer to Petersburg City Public Schools with in a local educational agency in Virginia or transfer from a local educational agency outside of Virginia within the same school year are subject to an IEP with 30 days of enrollment. 34 CFR 300.323
 - b. Petersburg City Public Schools will develop or implement an interim IEP with the parent's consent while obtaining and reviewing whatever information is needed to develop a new IEP.

XIV. MONITORING PROCEDURE

1. COMPLIANCE MONITORING

- (a) Petersburg City Public Schools shall ensure that all Initials/Reevaluation, Manifestation Determination Review and Individual Education Programs are in compliance with state regulations in accordance with 8VAC20-8.
 - (i) On a monthly basis building Lead Teachers are required to submit the compliance data base to the Special Education Compliance Specialist. The Compliance Specialist will be responsible for monitoring the compliance data base spreadsheet and submitting the finding to the building level Special Education Administer and Supervisor of Special Education.
- (b) Petersburg City Public Schools compliance data base will monitor the following determinant areas:
 - (i) Student Identification Number
 - (ii) First and Last Name
 - (iii) Date of Birth, Grade and Race
 - (iv) Current/Review Individualized Education Program review dates
 - (v) Most recent eligibility/reevaluation dates
 - (vi) Disability Category (ies)
 - (vii) General Education setting percentages
 - (viii) Required Services provided to the students
 - (ix) MDR Meetings