

Lexington Local Schools



Special Education Department Policies, Practices, and Procedures

2025-2026

Table of Contents

Intervention Specialist/SLP Duties.....	3
School Psychologist Roles and Responsibilities.....	4
Physical Therapist Roles and Responsibilities.....	5
Occupational Therapist Roles and Responsibilities.....	6
BCBA Roles and Responsibilities.....	7
Classroom and 1:1 Aide Guidelines.....	9
Schedules.....	10
Caseloads.....	11
IEP Tips/Reminders.....	12
Section 1: Future Planning.....	14
Section 2: Special Instructional Factors.....	15
Section 3: Profile.....	16
Section 4: ESY.....	17
Section 5: Transition.....	18
Section 6: Writing Measurable Goals.....	19
Section 7: SDI, Accommodations, Modifications, other services.....	20
Section 8: Transportation.....	21
Section 9: Non-academic and Extracurricular.....	21
Section 10: General Factors.....	21
Section 11: Least Restrictive Environment.....	21
Section 12 & 13: Testing.....	22
Section 14 & 15: Signatures.....	23
Section 16: Visual Impairments.....	23
Specially Designed Instruction (SDI) and Progress Monitoring.....	24
Amendment Instructions.....	25
Parent Input to IEP Development.....	26
Positive Student Profile.....	26
Goals-At-A-Glance.....	27
Parent Invitation (PR-02).....	29
Prior Written Notice (PR-01).....	30
Guidelines for Annual Review IEPs.....	31
District Representative.....	32
Procedures for Move-in Students.....	33
Procedures for Exit IEPs and Summary of Performance (SOP).....	36
3301-51-02 Free Appropriate Public Education (FAPE).....	37
3301-51-03 Child Find.....	38
3301-51-05 Procedural Safeguards.....	41
3301-51-06 Evaluations.....	42
Procedures for Obtaining Parental Consent.....	44
Timeline Exceptions.....	46
Re-evaluation.....	47
Disability Categories.....	47
Alternative Means of Meeting Participation.....	49
3301-51-07 Individualized Education Program (IEP).....	50
3301-51-08 Parentally Placed Non-public School Children.....	51
3301-51-09 Delivery of Services.....	52
Parent Request for Special Education.....	53
The Multi Factored Evaluation (MFE) Process.....	54
ETR Chair Responsibilities.....	55
Manifestation Determination Review.....	56
Educational Agency Access Rights Under 34 C.F.R. § 300.613 and O.A.C. 3301-51-04(D).....	57
3301-51-04 Confidentiality.....	58
Public Records.....	60
Model Policies and Procedures.....	62

Intervention Specialist/SLP Duties

All special education staff members shall familiarize themselves with special education [operating standards](#), and [acronyms](#) associated with the profession. Intervention Specialists and Speech Therapists act as IEP case managers for students assigned to their caseload. As the case manager, the IS/SLP should consider the whole child and provide him/her with assistance in every part of his/her educational experience. The list below is not inclusive but acts as a guide for the case manager.

- Be the primary contact with parents. Send an introductory letter at the beginning of each school year to each parent of students on your caseload. Throughout the year, maintain contact with the parents.
- Be the primary contact for teachers. Meet with or email to share each student's IEP at the start of the school year with general education teachers.
- Ensure that the measurable goals and objectives of the IEP are being met. Amend the IEP when appropriate throughout the school year if your student is meeting their goals/objectives sooner than the annual meeting date, or if they are not making adequate progress.
- Facilitate student participation on field trips and other special events. All students, regardless of disability, should be encouraged to attend events and participate to the level they are able.
- Assist with transition from grade level to grade level. Meet with next year's staff and inform them of special considerations for each student. Make recommendations for teachers and the student's schedule. Have flexibility to meet with incoming students' case managers.
- Develop initial and annual IEPs and facilitate IEP meetings by the required date.
- Provide consultation and assistance, through observation and discussion, to personnel to assure continuity between evaluation and progress monitoring data, the IEP, and daily lesson plans.
- Work with building MTSS/PBIS/IAT Teams to develop goals which assist the team in working collaboratively with all students.
- Assist in the development of curricular guides/maps and local policies as related to the area of disability.
- Contribute to the multi-factored evaluations utilizing diagnostic instruments and techniques appropriate for the area of disability or suspected disability, as part of the multidisciplinary team.
- Assist educational staff with implementing or modifying instructional strategies, classroom management procedures, intervention strategies, and follow up activities.
- Assist the Special Education Director with manifestation determination reviews.
- Assist with functional behavior assessments and carry out behavior intervention plans, oversee implementation of the plan making adjustments as needed, in cooperation with other team members.

School Psychologist Roles and Responsibilities

- Provide pre-referral, IAT and Response to Intervention (RTI) consultation and support to staff members in assigned district(s), upon request
- Lead the team in identifying, evaluating, placing, and re-evaluating students with disabilities consistent with Ohio's Special Education Operating Standards
- Participate and assist in MFE team decisions regarding class placement, instruction in the regular education environment, development of the IEP, and referrals for additional services.
- As needed for preschool program, coordinate and schedule screenings and assessment, and also coordinate and lead preschool ETR and IEP meetings In addition, process referrals as appropriate
- Provide assistance in the effective use of individual student progress data to guide instruction
- Maintain student records in collaboration with district ensuring compliance with appropriate confidentiality requirements
- Serve as a consultant to assigned district(s) in coordinating the effective interaction between regular and special education
- Coordinate in the preparation of reports as required
- Provide counseling services to students consistent with Ohio's Special Education Operating Standards
- Provide crisis intervention counseling, as requested
- Perform other specific job-related duties as directed
- Maintain Evaluation Team Report (ETR) from start to finish providing intervention accommodations and modifications. Include all required documentation meeting all current legal deadlines.
- Provide direction in determining what disabilities are suspected and guide in differentiating between disabilities based on characteristics
- Serve children with disabilities through program development and coordination of all essential liaison and logical operations in participating multi-county area, or in participating districts.
- Ensure that each special education student is provided with a FAPE and an appropriate educational experience.
- Monitor students psychological well-being, serving as part of schoolwide and districtwide crisis support.
- Promote mental health as well as school and life success for all students.

The description of a School Psychologist has been adopted from Mid-Ohio Educational Service Center

Physical Therapist Roles and Responsibilities

- Provide direct therapy and/or consultation services to identified students
- Serve as a liaison with school personnel, family, physician and agencies through written and/or oral communication
- Attend and participate in IEP, ETR, RTI/IAT and team meetings as appropriate
- Conduct planning to meet individual student's and program procedures
- Establish and maintain appropriate records, reports and procedures
- Set up and provide for maintenance and cleaning of treatment areas and physical therapy equipment
- Serve as a resource to school personnel in developing strategies to help the student accommodate to school environment
- Provide supervision of Physical Therapist Assistant with weekly meetings to review treatments, perform evaluations and establish goals for all students assigned to PTA Participate in the IEP/504 process, including collaboratively determining the need for physical therapy as a related service under IDEA or as a reasonable accommodation under Section 504 of the Americans with Disabilities Act (ADA)
- Gather appropriate information from students, parents and other team members regarding the child's functional motor performance in school settings
- Select, administer and interpret a variety of screening instruments and standardized measurement tools
- Collaborate with students' IEP teams, examining and evaluating eligible students' strengths and needs to establish their ability to participate in meaningful school activities and routine with or without assistance
- Design and implement physical therapy interventions that allow students to benefit from their educational program
- Measure and document student progress resulting from the designed physical therapy interventions

Function as a consultant to other school personnel, parents, and students to coordinate the delivery of physical therapy services, which may include:

- Interpret assessments and recommendations
- Explain the potential impact of developmental, medical and/or sensorimotor impairments on educational performance
- Instruct other caregivers regarding the physical management of students, such as safe lifting, positioning, assisted ambulation, gross motor programs, vocational tasks, leisure activities, and/or equipment use
- Set realistic expectations for student performance in school o Select, modify or customize adaptive equipment and assistive technology

The description of a PT has been adopted from Mid-Ohio Educational Service Center

Occupational Therapist Roles and Responsibilities

- Carry out evaluations and reevaluations procedures for identified students
- Plan and develop therapeutic intervention goals and plans of care that are educationally relevant, used in students' educational programs, and monitored for progress
- Maintain a system of documentation that is professional, efficient, and accountable that conforms to state and agency policies and practice standards
- Maintain therapy inventory, equipment and supplies
- Communicate results of evaluations and reports of occupational therapy services to the educational staff, parents, students, and when appropriate, other professionals and agencies concerned with the students
- Attend staff meetings and other school meetings as requested
- Attend and facilitate in-service education and professional development for educational teams
- Professionally supervise and monitor the job performance of any assigned occupational therapy assistants and OT/OTA students
- Monitor occupational therapy services by teaching and supervising other professionals and paraprofessionals who are involved in with the implementation of the intervention procedures
- Provide consultation to the educational system regarding student needs, professional needs, and system needs in order for the system to achieve its goals and objectives
- Work cooperatively as a member of the therapy team
- Participate in multidisciplinary meetings to review evaluation results, integrate findings with other disciplines, offer recommendations, and develop individual education programs and plans of care to achieve IEP goals

The description of an OT has been adopted from Mid-Ohio Educational Service Center

BCBA Roles and Responsibilities

- Work collaboratively with building and district staff to promote positive student behavior by providing professional development that targets research, strategies and modeling of instructional practices to support staff in their implementation of positive support and Positive Behavioral Interventions and Supports (PBIS).
- Demonstrate expertise in the area of data collection and behavior analysis.
- Assists case managers/building based psychologists and social workers in writing of comprehensive functional assessments and behavior intervention plans and instructional methodologies for staff.
- Demonstrate behavior management ideas and/or techniques.
- Assist staff working with children with autism on teaching skill deficits, maintaining acquired skills, teaching self-help skills and developing social skills.
- Develop materials and provide resources for and provide professional development to administrators, educators, paraprofessionals and parents/guardians.
- Attend IEP, eligibility, or other meetings as necessary and provide related behavioral information.
- Work with students who exhibit maladaptive/unexpected behaviors and provide support and professional learning for staff who work with such students.
- Conducts functional behavior assessments and educational assessments, accurately identifying the function of challenging behavior and socially valid, pivotal behaviors to target.
- Develops treatment plans that recommend individualized, evidence-based behavioral strategies in a format accessible to staff, family members, other professionals.
- Develops strong collaborative relationships and trains school staff to implement effective techniques across all environments, promoting progress and generalization.
- Provides ongoing training of school staff, ensuring treatment integrity and supporting the professional growth of staff.
- Monitors progress and evaluates treatment effectiveness regularly, maintaining high rates of progress.
- Identifies behavior goals and intervention techniques utilizing non-aversive behavior change methods.
- Selects intervention and strategies according to the needs and desires and abilities of the individual, and prepares written behavior interventions and strategies, and support plans.
- Completes reports and other paperwork within the established timeframes.

The purposes of supervision are to improve and maintain the behavior-analytic, professional, and ethical repertoires of the faculty and facilitate the delivery of high-quality behavior-analytic services. Effective behavior-analytic supervision includes:

- Development of performance expectations
- Observation, behavioral skills training, and delivery of performance feedback
- Modeling technical, professional, and ethical behavior
- Guiding behavioral case conceptualization, problem-solving, and decision-making repertoires
- Review of written materials (e.g., behavior programs, datasheets, reports)
- Oversight and evaluation of the effects of behavioral service delivery

The description of a BCBA has been adopted from Mid-Ohio Educational Service Center

RBT Roles and Responsibilities

- Provide direct student instruction, and assist staff with implementation, in one-on-one and group settings utilizing a combination of intensive teaching and natural environment teaching arrangements.
- Follow prescribed behavior skills acquisition and behavior change protocols. Assist with preparing materials, as necessary.
- Collect, record, and summarize data on observable student behavior.
- Assist with skill acquisition and behavioral assessments.
- Collect data on all programming.
- Document interventions, progress data, session notes.
- Assist with staff training of student's individualized treatment and behavior change protocols, through direct teaching, modeling, and fidelity checks.
- Immediately report to BCBA any student incidents/variances or complaints.
- Communicate with staff regarding student progress as instructed by the BCBA.
- Collaborate with school teams and attend IEP meetings as necessary.
- Participate in in-service programs and present in-service programs as assigned.
- Ability to maintain confidentiality and adhere to FERRPA laws. •
- Ability to abide by code of ethics as indicated by the Behavior Analyst Certification Board.

The description of an RBT has been adopted from Mid-Ohio Educational Service Center

Classroom and 1:1 Aide Guidelines

Educational aides are a vital part of special education. Aides assist teaching staff to carry out academic responsibilities, ensure safety, assist with toileting, to just name a few. The job is important to the success of students.

It is the responsibility of the IEP team to determine what, if any aide services are necessary for the education of the student, and to which degree. Services shall be specified in section 7 of the IEP, under Support for School Personnel.

All educational aides report to the building principal, and take directives from classroom teachers and intervention specialists.

Teachers are responsible for communicating directly with parents. At no time shall an aide text, send a message or note, or call a parent unless directed to do so by the principal, teacher, or intervention specialist.

When working with students, cell phones shall not be visible, unless in extreme emergency cases.

Aides shall not share their personal information to parents (cell phone number, email, etc), and shall maintain a professional relationship.

Schedules

Intervention Specialists and all related service providers may be asked to provide their schedules to their building administrators and/or district administrators. Making this schedule and including the students served during each time frame can also be helpful for substitute teachers when an absence is necessary. Here is a sample template that can be copied and edited:

Time/ Period	Teacher/Room	Student(s) Served

Caseloads

Intervention Specialists, Speech-Language Pathologists, Occupational Therapists, and Physical Therapists please fill out the caseload and share with administrators. This must be updated on the first school day of the month. Indicate an update by changing the date. It is not necessary to share it every month. This is imperative for checks and balances to assure that all students are accounted for and are provided the necessary services. You may be asked to update this document, if information is necessary for administrative purposes.

- Click [here](#) to access
- Click File
- Click Make a Copy
- The copy will save to your Google Drive
- Rename to include your last name, first initial
- Type in your students' information
- Share to your building admin, the Assistant Special Education Director, and the Special Education Director
 - Click the green share button at the upper right
 - Type in the appropriate emails

IEP Tips/Reminders

5 suggestions to do prior to the start of a new school year:

- 1) Send a letter home to parents of students on your caseload introducing yourself and provide your contact information and preferred form of communication.
- 2) Download caseload IEPs and save them in a folder on Google Drive, or your desktop.
- 3) Contact all teachers and staff who will need the information about the students on your caseload (don't forget aides, cafeteria staff, transportation department, recess monitors, coaches etc). Ask for input to the IEP from all teachers who work with the student.
- 4) Create email group lists of teachers and/or therapists for each student on your caseload. This can be helpful when needing to communicate with the entire IEP team.
- 5) Mark your calendar one month in advance of each IEP due date. This is when you should schedule and get started on the IEP.

Before the meeting

- ☐ Get current performance, behavioral checklists, and/or grades from teachers, specialists, and parents
- ☐ Schedule the meeting at least 2 weeks before due date
- ☐ Send invite to parents **and students** 14 or older
- ☐ Send outlook calendar invite to all district team members
- ☐ Write draft IEP at least two weeks prior to meeting and share with your building administrator
- ☐ Begin to consult the [IEP checklist](#) to avoid non-compliance
- ☐ Make copies of IEP draft for meetings in the event you are not able to use technology

At the meeting

- ☐ State purpose of meeting and do introductions
- ☐ Ensure student information is accurate (address/phone numbers) on IEP cover page
- ☐ Have hard copies of draft available for team members and completed signature pages ready
- ☐ Review progress of previous IEP and objectives using most recent progress report
- ☐ Discuss and edit IEP as appropriate
- ☐ Be sure all members of IEP team sign all necessary sections

After the meeting

- ☐ Write prior written notice and send to parent, with the final IEP prior to the service start date
- ☐ Distribute hard copies of finalized IEP or send via email to:

- ☐ General Education teachers
- ☐ Transportation if necessary
- ☐ If student has a different DOR, send final copy to the DOR contact
- ☐ Make any necessary changes to daily/weekly schedule, data collection procedures
- ☐ Update caseload roster with new date and any services
- ☐ Send originals to the attention of the Special Education Director, at the Board Office:
 - ☐ IEP with original signatures
 - ☐ Check dates - start date after meeting date, end date one year minus one day
 - ☐ Previous IEP progress reports
 - ☐ Prior written notice with after meeting and before start of services
 - ☐ Parent invite
 - ☐ Student invite if 14 or older (you can simply add the student name next to parents' on original invite)
 - ☐ OP-09/Attempts to contact parent
 - ☐ Excusal form if applicable

Section 1: Future Planning

Request input from parent and other team members (including student) before meeting. This box could be completed prior to the meeting, and like all sections of the IEP, can be edited at the meeting as necessary.

Future Planning is a blueprint for the IEP. It should be what is guiding the entire IEP. It can include:

- Skills, strengths, and interests:
- Plans for future education:
- Plans for future employment after high school:

Questions to consider:

- What interests does the student have?
- What strengths does the student have?
- What are areas of need for the student?
- How can the student's interests, strengths, and needs be incorporated into the child's IEP?
- What skills does the child have now and what skills should he/she be working on?
- What does the student want to do after high school?
- Where will he/she work?
- Where will he/she live?
- What will the child need to learn (college, vocational training, on the job training)
- What do the parents and teachers see for the student's future?
- What coursework, job shadowing, and/or career tech programs will assist the student in accomplishing his/her goals?

Section 2: Special Instructional Factors

Items checked "YES" must be addressed in the IEP:

Does the child have behavior which impedes his/her learning or the learning of others?

- The team can determine how this will be addressed
 - Goal
 - FBA/BIP
 - Accommodations

Does the child have limited English proficiency?

- Is an ELL involved
- Communication weaknesses do not fall under this area

Is the child blind or visually impaired?

- Is a TVI involved? (section 16 should be addressed)
- A student who requires glasses does not meet the eligibility for checking yes

Does the child have communication needs (required for deaf or hearing impaired)?

- If the student receives speech and language services, check yes
- If the student is deaf or hearing impaired and requires a communication plan, check yes.

Does the child need assistive technology devices and/or services?

- Consider if student needs AT devices or services
- If yes, include in section 7
- If the student has a parent-provided AAC device this is checked no, and the device is mentioned in section 3, but not section 7

Section 3: Profile

The profile should paint a picture of the student. After reading, the reader should have knowledge of who this student is in regards to interests, strengths, and educational needs.

You should specifically address the following areas:

- Background Information - this should be the student's educational story. How did the student get to where they are now?
- Interests of the student
- Strengths of the student
- Information from previous IEP progress reports
- Educational needs of the student summarized from ETR (Description of Educational Needs)
- Educational implications summarized from ETR (Implications for Instruction and Progress Monitoring)
- Description of student's school day
- General Education Teachers' Input
- State/district-wide assessments by performance level
- Relevant medical & safety information
- Reading Intervention Monitoring Plan (RIMP), if applicable (grades K-4), see bank for points to consider
- Graduation Plan for grades 9 - 12 summarized in alignment with IEP
- Parent educational concerns

Section 4: ESY

Teams must have data to determine ESY eligibility. Bring data from before and after school breaks to the meeting in order to make an informed decision. Only a small percentage of students are eligible for ESY services. If eligible for ESY, teams must identify which goals, and how many total minutes will be served for each.

What are extended school year (ESY) services?

Extended school year services mean that special education and related services are provided to a child with a disability beyond the normal district school year, in accordance with the child's IEP. ESY services are provided at no cost to the parents and meet the standards of the Ohio Department of Education (ODE).

How does the team determine the need for extended school year services?

Extended school year services are not limited to a particular category of disability, nor can the services be unilaterally limited in type, amount or duration. The need for ESY services must be determined on an individual basis, based upon the judgment of the IEP team members and the team's decision-making process. ESY must be provided only if a child's IEP team determines that the services are necessary to provide FAPE to the child. To determine the need for ESY, the team must have sufficient documentation to show that it made an appropriate, individualized determination regarding the provision of ESY services.

(G) Extended school year (ESY) services

(1) General

(a) Each school district must ensure that extended school year services are available as necessary to provide FAPE, consistent with this rule.

(b) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with rule 3301-51-07 of the Administrative Code, that the services are necessary for the provision of FAPE to the child. Additionally, the school district shall consider the following when determining if extended school year services should be provided:

(i) Whether extended school year services are necessary to prevent significant regression of skills or knowledge retained by the child so as to seriously impede the child's progress toward the child's educational goals; and

(ii) Whether extended school years services are necessary to avoid something more than adequately recoupable regression.

(c) In implementing the requirements of this rule, a school district shall not:

(i) Limit extended school year services to particular categories of disability; or

(ii) Unilaterally limit the type, amount or duration of those services.

Section 5: Transition

This must be completed for any student who is 14 or older or who will turn 14 during the life of the IEP. This section is optional for any student under 14, as determined by the IEP team.

Where will the student be after high school and how will we prepare them for it? Each statement in each section should start with, "After high school, Student will...."

Activities are written in adult-first language, such as "The intervention specialist will assist the student...."

Three Sections:

- Postsecondary training and education
 - On the job training
 - Military
 - College
 - Vocational school
- Competitive Integrated Employment
 - Where will the student work after high school?
- Independent Living (if the team agrees applicable)
 - Where will the student **live** after high school? How will they pay bills and get around?

Each section must have an accompanying assessment

- At times, one assessment may overlap in 2 areas.
- Must have PINS for each - preferences, interests, needs, and strengths
- Transition activities must align with the area's needs and goal
- Needs in each area should be addressed in IEP through transition activities

Course of Study: Write this well once and copy into all 3 course of study boxes.

- Most students will participate in the common core standards
- If the student is participating in the extended content standards, write that here

- Activities listed need to link to the post-secondary statement/goal and use staff-first language.

Section 6: Writing Measurable Goals

Present Level of Performance - For each goal, include the following as it relates to that area:

- Measurable quantitative baseline data **aligned with the goal** - what can the student do now in relation to the goal?
- Student progress in relation to peers and grade level standards.

Goals - should contain 7 elements:

- Who
- Will do what
- To what level or degree
- Under what conditions
- In what length of time
- Current quantitative baseline as it relates to the goal, in parentheses
- And how will progress be monitored

May only want to choose one progress monitoring tool (ie: checklists), must report on all that are chosen.

All progress reports are given to parents every 4.5 weeks for every student with an IEP K-12.

Section 7: SDI, Accommodations, Modifications, other services

- Specially Designed Instruction - SDI is what a teacher does to present information to the student that is different from what other students receive. It may be instruction that is additional to what other students receive and/or different methods or techniques to present the instruction not used with other students.
- SDI is what makes special education “special.” SDI is what is done by the provider (you), not the student, to help close the academic performance gap between students with disabilities and their general education peers.
- Should not be a copy and paste from each IEP you write.

There must be an SDI for each and every goal, and only one provider/line per goal, which cannot include a general education teacher.

ACCOMMODATIONS – an adjustment in the delivery of instruction or method of student performance that does NOT change the standard or conceptual difficulty of the curriculum. Accommodations improve student access to the general education curriculum.

Accommodations are not necessarily the same for all classes. A student may need graphic organizers for writing but not need it for any other subject area. This should be documented on the IEP.

Examples of accommodations: extended time for tests 1.5, or 2x that of general education peers, preferential seating, graphic organizers, guided notes, instructions given in different ways (written and spoken), chunking.

MODIFICATIONS – An adjustment to the delivery of instruction or method of student performance that changes the content of the standard and/or the conceptual difficulty of the curriculum.

Examples to consider:

Mild – use of general education curriculum with changes to how deeply a child may learn the content. Tests may be modified with less complex questions and less distractors. Grading may be slightly adjusted with less complexity in answers. Usually implemented in the regular education classroom.

Moderate – slightly modified curriculum with changes to the content and the depth of learning. Modified tests with different questions based on changes in content which may be shorter and/or different from the original classroom test. Modified grading based on changes in content can be implemented in regular education classrooms or intervention classrooms.

Intensive – different curriculum and conceptual depth. Different tests and modified grading. Usually implemented in the intervention (resource room) classroom.

Be specific so anyone picking up the IEP will know exactly how to modify.

Section 8: Transportation

- All special transportation needs must be communicated to the Transportation Director
- Please email the IEP to the Transportation Director

Section 9: Non-academic and Extracurricular

- If you have questions or unique cases, discuss with your district representative before the meeting as some students may require services in order to participate in extracurriculars

Section 10: General Factors

- All items in list should be covered in IEP and checked at the meeting, do not mark these prior to

Section 11: Least Restrictive Environment

- Does this child attend the school he/she would attend if not disabled?
 - In most cases, this answer is yes.
 - If no, provide justification
- Does this child receive all special education services with nondisabled peers?
 - If the answer is no, there must be justification
 - Be specific so anyone who reads the IEP knows the student's LRE
 - Don't forget to include related service pull out minutes if applicable (see section 7)

Section 12 & 13: Testing

Section 12 basics:

- Alternate Assessment - this is only appropriate for approximately 1% of the population - if considering, the ODEW TOOL must be completed as a team, and appropriate team members sign
- Do not include accommodations for classroom tests in this section - those go in section 7
- District tests - discuss as a team, some accommodations for district testing may not make sense
- State tests - Only state approved accommodations can be provided for state tests. Here is a link to the ODE manual: [Ohio Accessibility Manual](#) (this is typically updated each September, be sure to check for the latest version)

Section 13:

- Please click and complete for every IEP as applicable



Section 14 & 15: Signatures

All participants in the IEP meeting will sign section 14. There are exceptions, when state facilitators or legal counsel are present; they do not sign as a participant.

In Section 15, parents sign indicating their agreement, or areas where they disagree. Physical signatures must be in place for any initial IEP. Unless the IEP requires a change of placement, during an annual review a parent signature is not required.

Section 16: Visual Impairments

This section of the IEP is reserved for students with visual impairments. This section will be completed as a team, with the guidance of the teacher of the visually impaired (TVI) and/or the Orientation and Mobility specialist (O&M).

Specially Designed Instruction (SDI) and Progress Monitoring

Any teacher or therapist that provides SDI to a student must keep a detailed log of services. A parent, administrator, or in the event a complaint is made, the Office of Exceptional Children can, at any time, request that the log be produced. This is the district's proof of services rendered.

The SDI log will be uploaded as an attachment in SameGoal to the progress report each 9 weeks. The log should include the student's name, date, activity, and length of service. A sample can be accessed [here](#), or you may create your own. If you send parents progress reports via SameGoal, open a new task (ie: upload, or SDI log) to attach your service log.

Progress monitoring must take place on a regular basis to inform the IEP team of current progress. This becomes raw data, and informs the progress report each interim, and each quarter. Raw data can also be requested by administration, parents, or the Office of Exceptional Children at any time.

Amendment Instructions

AIEPs:

- In Same Goal search the student
- Open the most recent IEP
- Click the padlock
- Select Amend
- Do NOT change any dates, only place dates in the amendment box
- Capture all sections that are being amended in the box on the cover page (only one row is necessary per date)
- Be sure to make the adjustments necessary in the IEP sections
- Use the bank in the amendment section for signatures and initials to indicate seeing section 14
- All team members sign section 14, under the original meeting signatures, and date with amendment day
- If it is a change of placement, parent signs section 15
- Write a PR01 and send to the parent before the implementation date
- Lock the AIEP
- Send an original copy to the Board Office
- Send copies to General Education teachers, and update your roster if necessary

Parent Input to IEP Development

By law, parents are guaranteed the right to be full and equal participants in the development of the Individualized Education Program (IEP) for their children. To establish effective home-school partnerships and become full participants in the process, we want parents to present the unique knowledge they have of their children to the other members of the team.

The following forms are samples that can guide you in helping parents share their ideas with the multidisciplinary team. These can help to gather this information to assist with IEP development.

The *Positive Student Profile* enables parents to provide the team with a “snapshot” of their child, focusing on the child’s strengths and capabilities. The form also reflects information concerning the child’s educational needs, long-range goals, and the types of support required for the student to succeed. The *Goals-At-A-Glance* form provides a format for the parent to present the major goals they feel the IEP should address. It is recommended that you gather this input and share it with your team prior to IEP meetings, but not required.

Positive Student Profile

This form is to be filled out by the parent to provide a “snapshot” of your child which should be reflected in his/her IEP.

1. Who is _____? (Describe your child, including information such as place in family, personality, likes and dislikes.)

2. What are _____’s strengths? (Highlight all areas in which your child does well, including educational and social environments.)

3. What are _____’s successes? (List all successes, no matter how small.)

4. What are _____’s greatest challenges? (List the areas in which your child has the greatest difficulties.)

5. What supports are needed for _____? (List supports that will help your child achieve his/her potential.)

6. What are our dreams for _____? (Describe your vision for your child’s future, including both short-term and long-term goals.)
7. Other helpful information. (List any pertinent information, including health care needs, that has not been detailed elsewhere on the form.)

Adapted from: Collaborative Teams for Students with Severe Disabilities: Integrating Therapy and Educational Services, Beverly Rainforth, Ph.D., P.T., Jennifer York, Ph.D., P.T., Cathy Macdonald, M.A., C.C.C./S.L.P.

Goals-At-A-Glance

This form may be filled out by the parent and shared with the team. Under each heading below, enter a few major goals that you feel the IEP should address.

Academic:

Social/Emotional/Behavioral:

Communication:

Daily Living:

Transition to Adulthood (No later than age 14):

Other:

Adapted from: Thousand, J.S. (Project Coordinator) (September, 1986). The Homecoming Model: Educating Students who present intensive educational challenges within regular education environments.

Parent Invitation (PR-02)

Each school district is required to provide the parents of children with disabilities the opportunity to participate in meetings regarding the identification, evaluation, educational placement, and the provision of FAPE to the child. For every meeting, a PR02 must be created in SameGoal, and sent to parents.

The Parent Invitation (Form PR-02) has been universally designed to address invitations to various types of meetings.

Reference: Rule 3301-51-05 (B) (3) and (J), Rule 3301-51-07 (F), *Operating Standards for Ohio's Schools Serving Children with Disabilities*

A Written Invitation to the IEP meeting must be sent every time you schedule an IEP meeting. Please also document on the OP-09 (Attempts).

Students aged 14 or older must also be sent an invitation to the IEP meeting and the Student box must be checked on the invitation to the parent. This can be done by including the student's name next to the parent on the invitation.

If a parent does not want a student 14 or older in attendance of the IEP meeting, this must be documented in the PR01.

Prior Written Notice (PR-01)

Prior Written Notice must *always* be sent to the parent after an IEP meeting, before services commence no matter what the outcome of the meeting: they agree, don't agree, do not attend the meeting, or if a parent revokes consent for special education and related services.

Guidelines for issuing a Prior Written Notice (PR-01) changed on December 20, 2013. A signed, agreed upon IEP no longer serves as Prior Written Notice to the parents. At the conclusion of every IEP meeting (initial, annual review, amendment) where the team agrees, the intervention specialist **MUST** issue a PR-01 to the parents **BEFORE services are initiated**. This will result in changes to the way we have typically dated IEPs.

IEP Suggestions:

1. Hold IEP meetings at least 2 weeks before the current IEP expires.
2. List the date of the meeting in the "Meeting Date" space on the top of the IEP.
3. List the "Effective Date- Start" at least 1 day after the "Meeting Date".
4. List the "Effective Date- End" for one year minus one day from the "Meeting Date" and not from the effective "Start" date on the IEP.
5. Send a PR-01 to parents after the meeting and before the service start date.

Example #1:

Current/Old IEP dates- 3/27/2022-3/26/2023

Meeting Date- 3/5/2023

Effective Date- Start- 3/6/2023

Effective Date- End- 3/4/2024

Send the PR-01 home via email after the meeting with a date of 3/5/2022

Current/Old IEP is implemented all day on 3/5/2022, new IEP is implemented on 3/6/2022 after PR-01 is sent via email.

For an ETR:

PR01 must accompany ETR, and a final copy sent to parents within 14 days of the meeting.

Guidelines for Annual Review IEPs

Intervention specialists and speech therapists are responsible for developing IEPs for each student on their caseload list. IEPs are written annually. A district representative must attend all meetings, in full. Principals, Assistant Principals, Assistant Special Education Director, and the Special Education Director can serve.

To prepare for IEP conferences please follow these guidelines:

Ongoing - Review your caseload list to determine when your IEPs are due.

Schedule your IEP meetings at least 10 school days in advance of their due dates to allow for cancellations or rescheduling needs.

Send an IEP invitation to parents, at least 10 business days prior to the IEP date. Include related service providers, counselors, agencies, etc. as meeting participants on the invitation. IMPORTANT: For foster placements and guardian situations, be sure to invite the district of residence representative and a parent surrogate when necessary

NOTE: Annual IEP meetings MUST be held by or before the due date, and have a start date prior to the due date. Schedule them enough in advance so they can still be in compliance, even with a cancellation (i.e. snow day or other unforeseen event).

District Representative

The district representative (DR) is a required ETR and IEP team member. The district representative at Lexington Local Schools is the only member who may not be excused from the meeting and may be represented by the Assistant Principal, Principal, Assistant Special Education Director, Special Education Director, Assistant Superintendent, or Superintendent.

To ensure a DR is in attendance at the meeting be sure to send the outlook calendar meeting invitation to more than one possible DR, and check prior to the meeting that an administrator has accepted the invite.

The role of the DR, according to the Ohio Operating Standards is *(d) A representative of the school district who: (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (ii) Is knowledgeable about the general education curriculum; and (iii) Is knowledgeable about the availability of resources of the school district.*

The district representative has the final decision of any proposals or refusals. The DR will assist the team to determine appropriate accommodations based off of the current [Accessibility manual](#) disseminated by the state.

During the meeting the DR will capture notes to share with the case manager to assist with the writing of the Prior Written Notice (PR01). For IEP meetings, the DR may utilize the [IEP checklist](#) to assist with compliance. IEP case managers are encouraged to use the checklist.

A draft ETR or IEP shall be made available to the district representative at least one week prior to the meeting.

Procedures for Move-in Students

The following steps outline the procedures for updating student records when an IEP student moves into the district, as well as instructions for teams when accepting or rejecting documents.

The School Psychologist/SLP and team members are responsible for reviewing the ETR. The Special Education Director may assist with this process. If the ETR is accepted, a prior written notice will be sent to the parent to let them know and the School Psychologist will inform the building principal, and assigned IS of the ETR acceptance.

If the ETR is accepted, the Intervention Specialist/SLP is responsible for collaborating with team members, and the Special Education Director to determine acceptance of the incoming IEP or if a RIEP should be written.

If the IEP requires significant changes, or is within 30 days it is appropriate to develop a new IEP. This would be considered an Annual Review (RIEP) with new effective dates. ***The Case Manager will alert any other service providers of the incoming IEP, and share with all of the pertinent staff members through SameGoal.***

If accepting the IEP:

- Open an IEP task
- Mark the box for reporting purposes only, with the reason: TIEP
- Click the gray box "Add Transfer IEP (TIEP) date, mark enrollment date
- Use the date the student enrolled as the meeting date and start date
- Keep the same end date
- TIEP starts once the district accepts the IEP
- Put in the Other Information box that it is a transfer IEP from _____ (previous district)
- Write PR01 of acceptance
- Complete all required EMIS values
- Attach transfer IEP
- Send a copy home to parent
- Alert Special Education Director of the task (will need completed with errors)

ETR and IEP teams will adhere to board policy, OAC, and the IDEA:

2460 ODE Special Education

- assessments of children with disabilities who transfer from one school district to another school district in the same school year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with 3301-51-06(B)(5)(b) and (B)(6) of the Operating Standards, to ensure prompt completion of the full evaluations;

Transfers from out of state and out of district

Upon the enrollment of a child with an existing IEP from another district or state, the district must convene the IEP team and determine if the team will accept the existing IEP or change the existing IEP. If the parents disagree with the IEP team on the IEP that will be implemented by the district, the Prior Written Notice to Parents PR-01 form must be provided to the parents. See IEP - 7.1 General.

Transfers from out of state

If the child moved into the district from another state, the district must provide the parents with a copy of the procedural safeguards notice (*Whose IDEA Is This?*)

If the district determines that a new evaluation is necessary for a child who transfers from out of state, the evaluation is considered an initial evaluation, and the district must provide the Prior Written Notice to Parents PR-01 form and obtain written parental consent (Parent Consent for Evaluation PR-05 form). See Evaluation - 6.2 Request and Referral for Initial Evaluation.

Transfers from out of district

If the child transfers into the district from another district in the state, the district provides the parents with a copy of the procedural safeguards notice (*Whose IDEA Is This?*) if the sending school district had not provided the parents with a copy during the current school year.

If the IEP team refers a child who transfers from another district in the state for additional evaluation, the evaluation is considered to be a reevaluation. The district must provide the Prior Written Notice to the Parents PR-01 form and obtain written parental consent (Parent Consent for Evaluation PR-05 form). See Evaluation - 6.5 Reevaluation.

5112 Entrance Requirements

The Board of Education establishes the following entrance age requirements for students, which are consistent with statute and sound educational practice, and directs that all eligible students be treated in an equitable manner.

Preschool

A child is eligible for entrance into preschool if s/he attains the age of three (3) for special needs students, and four (4) for regular education students, on or before August 1st of the year in which s/he applies for entrance and has not yet attained the age at which s/he will be admitted to kindergarten.

Kindergarten

A child is eligible for entrance into kindergarten if s/he attains the age of five (5) on or before August 1st of the year in which s/he applies for entrance. The Board may admit a younger child to kindergarten if the child satisfies the Board's early entrance criteria. A child under age six (6) who is enrolled in kindergarten will be considered of compulsory school age.

IDEA

[300.323](#) When IEPs must be in effect.

[\(a\)](#) General. At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in [§300.320](#).

[\(b\)](#) IEP or IFSP for children aged three through five.

[\(1\)](#) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two-year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language,

and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is—

- (i) Consistent with State policy; and
 - (ii) Agreed to by the agency and the child's parents.

(2) In implementing the requirements of paragraph (b)(1) of this section, the public agency must—

- (i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and
 - (ii) If the parents choose an IFSP, obtain written informed consent from the parents.

(c) Initial IEPs; provision of services. Each public agency must ensure that—

(1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and

(2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

(d) Accessibility of child's IEP to teachers and others. Each public agency must ensure that—

(1) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and

(2) Each teacher and provider described in paragraph (d)(1) of this section is informed of—

- (i) His or her specific responsibilities related to implementing the child's IEP; and

- (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

(e) IEPs for children who transfer public agencies in the same State. If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either—

(1) Adopts the child's IEP from the previous public agency; or

(2) Develops, adopts, and implements a new IEP that meets the applicable requirements in §§[300.320](#) through [300.324](#).

(f) IEPs for children who transfer from another State. If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency—

(1) Conducts an evaluation pursuant to §§[300.304](#) through [300.306](#) (if determined to be necessary by the new public agency); and

(2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in §§[300.320](#) through [300.324](#).

(g) Transmittal of records. To facilitate the transition for a child described in paragraphs (e) and (f) of this section—

(1) The new public agency in which the child enrolls must 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 public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and

(2) The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.

Procedures for Exit IEPs and Summary of Performance (SOP)

Before determining that a student no longer has a disability and exiting them from special education, a re-evaluation must be completed. This applies to **all** disabilities, including “speech only”. A planning meeting will be held, and the typical ETR process followed.

Graduating Seniors

For students graduating from high school, a re-evaluation is not necessary. At their senior year IEP meeting the Prior Written Notice to Parents (PR 01) should be provided to the parent indicating that graduation from high school is expected by the date in section 5 of the IEP.

A Summary of Performance (SOP) must also be completed on all graduating seniors, in SameGoal.

Parts of the Summary of Performance:

- Background Information
- Student’s Postsecondary goals
- Summary of Performance in
 - o Academic
 - o Cognitive
 - o Functional
 - o Accommodations, modifications and assistive technology needed
- Recommendations to assist the student in meeting postsecondary goals
- Student input
- Include the name of the person completing the SOP along with their title and phone number.

A copy must be sent home to parents, as well as the original sent to the Special Education Director for filing.



3301-51-02 Free Appropriate Public Education (FAPE)

(A) Each school district shall adopt and implement written policies and procedures, approved by the Ohio department of education, office for exceptional children, ensuring that a free appropriate public education (FAPE) is made available to all children with disabilities between the ages of three and twenty-one, inclusive, including children with disabilities who have been suspended or expelled from school, for whom the school district is the child's school district of residence, as defined in paragraph (B)(56) of rule 3301-51-01 of the Ohio Administrative Code (O.A.C.) and as provided by rule 3301-51-01 of the Ohio Administrative Code (O.A.C.)

(B) FAPE

(1) General

Each school district shall make FAPE available to all children between the ages of three and twenty-one, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in rule 3301-51-05 of the Administrative Code, for whom the school district is the child's school district of residence.

(2) FAPE for children beginning at age three

Each school district must ensure that:

(a) The obligation to make FAPE available to each eligible child for whom the school district is the child's school district of residence begins no later than the child's third birthday; and

(b) An individualized education program (IEP) is in effect for the child by that date, in accordance with rule 3301-51-07 of the Administrative Code.

(c) If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin.

(3) Children advancing from grade to grade

(a) Each school district of residence must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.

(b) The determination that a child described in paragraph (B)(1) of this rule is eligible under this chapter of the Administrative Code, must be made on an individual basis by the group responsible within the child's school district of residence for making eligibility determinations.

3301-51-03 Child Find

(A) Each school district shall adopt and implement written policies and procedures approved by the Ohio department of education, office for exceptional children, that ensure all children with disabilities residing within the district, including children with disabilities who are homeless children or are wards of the state, and children with disabilities attending nonpublic schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated as required by the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004, December 2004 (IDEA) and federal regulations at 34 C.F.R. Part 300 (October 13, 2006) pertaining to child ind, including the regulations at 34 C.F.R. 300.111 and 300.646 (October 13, 2006) and as required by the provisions of this rule.

(B) Child Find

(1) General

The child find policies and procedures that each school district adopts and implements under this rule shall ensure that:

(a) All children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state, and children with disabilities attending nonpublic schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and

(b) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

(2) Use of the term developmental delay

The following provisions apply with respect to implementing the child ind requirements of this rule: (a) The Ohio department of education has adopted in rule 3301-51-11 of the Administrative Code a definition of “developmental delay” under 34 C.F.R. 300.8(b) (October 13, 2006) and under that section has determined in rule 3301-51-01 of the Administrative Code that the term applies to children aged three through five years;

(b) A school district is not required to adopt and use the term developmental delay for any children within its jurisdiction;

(c) If a school district uses the term developmental delay for children described in rule 3301-51-01 of the Administrative Code as experiencing developmental delays, the school district must conform to both the state’s definition of that term in rule 3301-51-11 of the Administrative Code and to the age range of three through five years of age which is the age range subset that has been adopted by the Ohio department of education in rule 3301-51-01 of the Administrative Code.

(3) Other children in child ind

Child ind must also include:

(a) Children who are suspected of being a child with a disability under the definition of child with a disability in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code and in need of special education, even though they are advancing from grade to grade; and

(b) Highly mobile children, including migrant children.

(4) Construction

Nothing in the IDEA requires that children be classified by their disability so long as each child who has a disability that is listed in the definition of child with a disability in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the IDEA.

In accordance with federal law, Lexington Local Schools assumes responsibility for the location, identification, and evaluation of all children birth through age 21 who reside within the district and who require special education and related services.

This includes students who are:

- Advancing from grade to grade.
- Enrolled by their parents in private school, including religious schools, located within the Lexington Local School District.
- Wards of the state and children who are highly mobile, such as migrant and homeless children.
- Home-schooled.

Responsibility for Determining Eligibility

Lexington Local Schools ensures that the student meets the eligibility requirements under IDEA and state regulations through their evaluation team.

In all cases, the evaluation team will not determine that a student has a disability if the suspected disability is because of a lack of instruction in reading and/or math. For the preschool aged student, the district will not determine that a student has a disability if the suspected disability is due to a lack of preschool pre-academics.

If the student is not proficient in English, the district will not identify the student as disabled if the limited English Proficiency (LEP) is the case of the suspected disability.

Child Identification Process

- General
 - Lexington Local Schools has a child identification process that includes the location, identification, and evaluation of a child suspected of having a disability. The Director of Special Education coordinates the child identification process. The department and staff use a variety of community resources and systematic activities in order to identify children requiring special services. District staff members consult with appropriate representatives of private school students attending private school within the district in carrying out this process. Lexington Local Schools ensures that this process for students attending private or religious schools located in the district is comparable to activities undertaken for students with disabilities in public schools.
- Identification of Children between the ages of Birth to Age 3
 - When the district becomes aware of a child between the ages of birth to 3 who has or may have a disability, it either:
 - Makes a child referral direction to the county family and children first council responsible for implementing the “Help Me Grow” (HMG) early intervention services under Part C of the IDEA
 - Provides the parents with information so that they can make the referral themselves.
 - Parents may opt out of and/or opt to not be referred for Part C services. They may request an evaluation from the district to determine if their child has a disability that may require special education.
- Transition to Special Education from Help Me Grow (HMG)
 - Lexington Local Schools partners with the county family and children first council responsible for HMG to ensure that a current interagency agreement that includes processes for the referral of children from HMG to the district. The district ensures that it has an assigned transition contact who is responsible for contacting HMG regarding children that are transitioning from HMG.
 - Upon transitioning from HMG (Part C), a transition meeting is held to discuss transition from early intervention services to preschool.
 - If a disability is suspected:
 - An evaluation is completed with the preschool educational team at least 60-90 days PRIOR to the child’s third birthday. This team must include a: district representative, school psychologist, guardian, and intervention specialist. The

team may also include a: speech therapist, physical therapist, occupational therapist, school nurse, vision specialist, orientation and mobility specialist, etc.

- If a disability is not suspected an evaluation is not warranted and the team is dismissed.

The school psychologist will document in a PR-O1.

- If an evaluation was completed the team compiles the results and presents them to the educational team, including parents. As a result, if a student is identified as a student with a disability the district **MUST** have an IEP in place within 30 days of the evaluation date and **PRIOR** to the students third birthday. A PR-O1 is written by the school psychologist or the speech therapist after the conclusion of the meeting.
- Coordination with Other Agencies
 - Lexington Local Schools has interagency agreements with programs within the district that provide for:
 - Service coordination for preschool children with disabilities, 3-5 years of age in a manner consistent with the interagency agreement.
 - Transition of children eligible for special education and related services as a preschool child at age 3.
- Data Collection
 - Lexington Local Schools maintains an education management information system and submits data to ODE pursuant to rule 3301-14-01 of the Administrative Code. The district's collection of data information includes information needed to determine if significant disproportionality based on race and ethnicity is occurring in the district with respect to the identification of children as children with disabilities, the placement of children in educational settings and incidence, duration, and type of disciplinary actions.

Child Find and Multi-Tiered System of Support (MTSS)

According to the Ohio Administrative Code (O.A.C.) and Individuals with Disabilities Education Act (IDEA), each school district shall provide interventions to resolve concerns for any preschool and/or school-age child who is performing below grade-level standards.

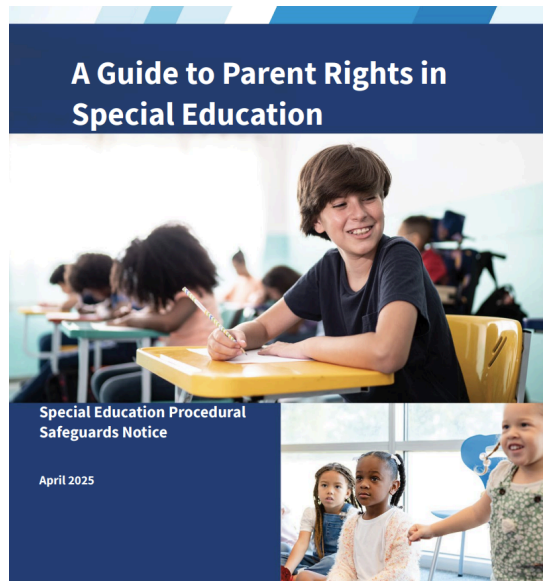
A school district may not use interventions to delay unnecessarily a child being evaluated to determine eligibility for special education services. **HOWEVER**, if interventions have not been implemented prior to referral for evaluation, appropriate interventions must be implemented during the same sixty-day time frame during which the school district conducts an evaluation.

O.A.C. 3301-51-06 (A) (2) to (4)

3301-51-05 Procedural Safeguards

(A) Each school district shall adopt and implement written policies and procedures approved by the Ohio department of education, office for exceptional children, to ensure that children with disabilities and their parents are provided procedural safeguards.

(B) Each school district of residence shall adopt and implement written policies and procedures approved by the Ohio department of education, office for exceptional children, to ensure that children with disabilities and their parents and public agencies are provided an opportunity to resolve disputes regarding identification, evaluation, or educational placement of a child with a disability or the provision of a free appropriate public education (FAPE).



For additional rules and regulations regarding the Procedural Safeguards, and to view the book in different languages, click [here](#).

The Lexington Local Schools Procedural Safeguards are given and/or offered to parent/guardian, one time per school year, except for the following situations in which a copy must also be provided to parents:

- A. Upon initial referral or parent request for an evaluation
- B. Upon receipt of the first due process complaint in a school year (K)(7)
- C. In accordance with the discipline procedures/conflict resolution (K) (20)
- D. Upon request by a parent

The Lexington Local Schools Procedural Safeguards can be found [here](#) as well as on the [Lexington website](#) by clicking the District tab and then clicking on the "Parent Rights in Special Education tab".

3301-51-06 Evaluations

(A) General

(1) Each school district shall adopt and implement written policies and procedures, approved by the Ohio department of education, office for exceptional children, to ensure that a referral process is employed to determine whether or not a child is a child with a disability. The school district of residence shall ensure that initial evaluations are conducted and that reevaluations are completed.

(2) Consistent with rule 3301-35-06 of the Administrative Code, each school district shall provide interventions to resolve concerns for any preschool or school-age child who is performing below grade-level standards.

(3) A school district may not use interventions to delay unnecessarily a child's being evaluated to determine eligibility for special education services. If such interventions have not been implemented prior to referral for evaluation, appropriate interventions shall be implemented during the same sixty-day time frame during which the school district conducts a full and individual evaluation.

(4) Each school district shall use data from interventions to determine eligibility for special education services, appropriate instructional practices, and access to the general curriculum. In the case of a preschool-age child, data collected through interventions is part of the differentiated referral process.

For additional information regarding the Evaluations click [here](#).

In the Lexington Local Schools a child may be evaluated if the district has enough evidence to suspect a disability according to the definitions in IDEA (*see Disability Categories section*). A child may be referred for evaluation by a parent/guardian, a teacher or other school personnel. The following describes the processes of evaluating a student for a disability at Lexington Local Schools.

District does not suspect a disability: The School Psychologist collects data and writes a PR01 documenting why a disability is not suspected at this time. Student's progress will be monitored.	District does suspect a disability
	The following steps will be taken as a team between parents and school district: <ul style="list-style-type: none">- Schedule a planning meeting within 30 days of request- Complete an evaluation plan- Obtain consent- Provide parents a copy of their Procedural Safeguards

	Lexington Local Schools will have 60 days to complete the multi-factored evaluation. *Best practice is to hold the meeting 7 days prior to the 60 day timeline deadline.
--	--

Evaluation Team convenes to review the Evaluation Team Report (ETR)

Team determines the student does <i>not</i> qualify for special education services.	Team determines the student does qualify for special education services.
---	--

	Lexington Schools has 30 days to write an Individualized Education Program (IEP). The team will reconvene to review this plan.
--	--

*Adapted from Ohio Operating Standards for the Education of Children with Disabilities, 2014

At any time a parent or guardian can request, in writing, a multi-factored evaluation for identification of a disability. Once the district receives the referral, it will be given to the school psychologist within 3 business days via email. The school psychologist will review available school data, student background information, information provided by parent/guardian, and teacher reports. Within 30 days from the date of referral, the school psychologist and director of special education will determine if the district has enough evidence to suspect a disability and request an evaluation.

- If the district believes there is evidence to suspect a disability, the school psychologist will conduct a planning meeting with the parent/guardian, district representative, teacher, and intervention specialist as well as any applicable related service providers, get consent for the evaluation, and complete the PR-01 (Prior Written Notice). Within 60 days, the ETR chair will coordinate the evaluation team meeting with all involved parties and hold the evaluation team report (ETR). **Best practice is to hold the meeting 7 days prior to the 60 day timeline deadline.*
- If the district reviews the data and determines there is not enough data to suspect a disability, the school psychologist will send a PR-o1 to the parent/guardian within 30 days of the date of referral.

Students who are identified as having academic and/or behavioral weaknesses will be referred to the Intervention Assistance Team (IAT) in their building by their teacher. Students can receive tiered instruction based on the recommendations of the IAT ([See MTSS Guidebook](#)).

Referrals can be made by the IAT chair to the ETR chair for students who are making little or no progress, based on intervention data after 6-8 weeks of intervention. The ETR chair will notify the school psychologist, and a planning meeting will be scheduled after the information has been reviewed and discussed as a team.

All interventions and referrals will be made regardless of race, ethnicity, or socioeconomic status.

Procedures for Obtaining Parental Consent

[Pursuant to § 300.300](#), Lexington Local Schools will obtain informed consent for initial evaluations from the parent, prior to conducting the evaluation. Parent consent for initial evaluation will not be construed as consent for initial provision of special education and related services.

The District will make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if—

- Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;
- The rights of the parents of the child have been terminated in accordance with State law; or
- 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.

Evaluation Timeline

1. For an initial evaluation;
 - a. A referral form (PR-04) is completed and signed by the school psychologist and the District Representative
 - b. The 60-day timeline is tracked by the District Representative, by completing the [Google Form](#) in the planning meeting, utilizing the calendar feature to ensure the ETR meeting is scheduled 2 weeks prior to the 60-day timeline, from signed parent consent
2. For an initial and/or re-evaluation, the ETR chair and/or speech pathologist (speech/language impairment) contacts the student's parent/guardian as well as all other required team members and related service personnel (if applicable) to schedule a planning meeting. *Note: If the student's district of residence (DOR) is NOT lexington, that district representative MUST be invited. [Click here for a DOR contact list](#). If the student is foster placed and/or in temporary custody of someone other than their parent/legal guardian, an educational surrogate parent MUST be invited if the biological parent is not accessible.*
 - a. Required team members include:
 - Parent
 - District Representative
 - Intervention Specialist
 - General Education Teacher
 - b. Note: Although School Psychologists are not required team members, they should be a part of EVERY planning meeting with the exception of a student suspected of/or identified as having a Speech Language Impairment.
 - c. Once scheduled, the ETR chair and/or speech pathologist (speech/language impairment) sends a Parent Invention (PR-O2) to the parent/guardian to serve as a meeting reminder. If not returned, the ETR chair reminds the parent and documents the attempts through the Documentation of Attempts form.
 - Reminder: Three different methods (i.e. email, phone, mail, etc.) must be used to contact the parent. This should be documented in the Documentation of Attempts page of the ETR.
3. The team including parents meet to discuss the plan.
 - a. The School Psychologist/Speech Language Pathologist (speech/language impairment) walks the team through all areas of the planning form and marks whether an assessment area needs additional data, is not applicable, or the team has sufficient information as well as who will be reporting that information. *Note: The person reporting can not be listed as the parent. It must be whomever is interpreting and writing the report based on the parent information provided.*
 - The team takes into consideration limited English proficiency in planning this assessment.
 - The team has taken into consideration possible sources of racial or cultural bias in planning this assessments.
 - All required team members sign the plan.
 - b. A follow-up IETR and/or RETR meeting date is set.
 - Once scheduled, the ETR chair and/or speech pathologist (speech/language impairment) sends a Parent Invention (PR-O2) to the parent/guardian to serve as a meeting reminder. If not returned, the ETR chair reminds the parent and documents the attempts through the Documentation of Attempts form. *Note: If the student's district of residence (DOR) is NOT lexington, that district representative MUST be invited. If the student is foster placed and/or in temporary custody of someone other than their parent/legal guardian, an educational surrogate parent MUST be invited if the biological parent is not accessible.*
 - Parent consent is granted.
 - c. Parent and District Representative sign the Parent Consent for Evaluation (PR- 05) form.
 - If the parent is participating via phone, the school psychologist notes in the PR-O1 that the parent consented via phone and then the ETR chair sends the consent form home

to the parent for signature with the date of the planning meeting. Written consent is required. Note: *If the student requires an educational surrogate parent, they are the ones who grant consent for the evaluation.*

4. Evaluation is conducted.
 - a. Timelines:
 - An initial evaluation must be held within 60 days from the date of consent.
 - A Re-evaluation must be completed prior to the expiration of the student's current ETR.
 - In certain circumstances, when an early re-evaluation is warranted and/or requested, Lexington Local Schools will attempt to complete the evaluation within 60 days of the consent date however, this is not required.
 - b. All individuals identified on the evaluation plan collect their data and complete Part I of the ETR which is the Individual Evaluators Assessment prior to the meeting date as well as input their data into the Part 2 of the ETR which is the Summary Page where appropriate.
 - Note: The school psychologist is responsible for ensuring that all team members who complete a Part 1 have their data included in the summary page.
 - c. If considering the category of Specific Learning Disability, the school psychologist MUST complete Part 3 of the ETR which is the Specific Learning Disability Documentation for Determination form.
5. The team, including parent/guardian, holds the evaluation meeting in which they determine if a student meets or continues to meet the criteria as a student with a disability.
 - a. All team members sign the signature page.
 - b. Parents/guardians are given a copy of their parent rights and safeguards.
 - c. If warranted, an IEP date is scheduled within 30 days of an initial evaluation or scheduled if an amendment is needed to the current IEP based on the new data gathered.
6. The school psychologist and/or speech pathologist writes a PR-O1 for the evaluation meeting.
7. The school psychologist and/or speech pathologist finalizes the IETR and/or RETR within 14 days of the meeting date and sends it home to parents as well as submits the students file to the Special Education Director.

Timeline Exceptions

The time frame described in paragraph (B)(4)(a) of Rule 3301-51-06 does not apply to a school district if:

- (a) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
- (b) A child enrolls in a new school district of residence after the relevant time frame in paragraph (B)(4)(a) of this rule has begun, and prior to a determination by the child's previous school district of residence as to whether the child is a child with a disability as defined in paragraph (B)(10) of rule [3301-51-01](#) of the Administrative Code.
- (6) The exception in paragraph (B)(5)(b) of this rule applies only if the subsequent school district of residence is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent school district agree to a specific time when the evaluation will be completed.

The above timeline exceptions for Initial Evaluations are further explained in the [EMIS Manual](#), and include:

- 05 - Parent Choice
- 06 - Parent Refused Consent

- 07 - Child's Health
- 08 - Student's Incarceration
- 09 - District in compliance with due process timelines, but incorrect/missing data reported in EMIS in a prior collection

Re-evaluation

Lexington Local Schools in accordance with the IDEA and O.A.C. ensures the following in regard to re-evaluations:

- A re-evaluation is completed for the following:
 - Prior to the expiration of the students current ETR which is three years from the date of the previous evaluation, unless the parent and school district agree otherwise.
 - If the school district determines that the educational or related service needs, including improved academic achievement and functional performance indicate progress is made and additional information is needed to determine if the student continues to meet the criteria as a student with a disability.
 - If the child's parent/guardian and/or teacher request a re-evaluation.
 - In order to make a change in the disability category.

Note:

- A re-evaluation may not occur more than once per year, unless the parent and the school district agree otherwise

Disability Categories

Autism	"Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with "autism" are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.
Deaf-blindness	"Deaf-blindness" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.
Deafness	"Deafness" means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance
Developmental Delay	"Developmental delay" means a child age three through nine years who is experiencing a delay as determined by an evaluation team, IEP team, and other qualified professionals in one or more of the following areas of development: (i) Physical development; (ii) Cognitive development; (iii) Communication development; (iv) Social or emotional development; or (v) Adaptive development

Emotional Disturbance	<p>“Emotional disturbance” means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:</p> <p>(a) An inability to learn that cannot be explained by intellectual, sensory, or health factors. (b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers. (c) Inappropriate types of behavior or feelings under normal circumstances. (d) A general pervasive mood of unhappiness or depression. (e) A tendency to develop physical symptoms or fears associated with personal or school problems. (f) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph of this rule.</p>
Hearing Impairment	<p>“Hearing impairment” means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that is not included under the definition of deafness in this rule.</p>
Intellectual Disability	<p>“Intellectual disability” means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance.</p> <p>(a) “Significantly subaverage general intellectual functioning” refers to an intelligence quotient of seventy or below as determined through a measure of cognitive functioning administered by a school psychologist or a qualified psychologist using a test designed for individual administration. Based on a standard error of measurement and clinical judgment, a child may be determined to have significantly subaverage general intellectual functioning with an intelligence quotient not to exceed seventy-five.</p> <p>(b) “Deficits in adaptive behavior” means deficits in two or more applicable skill areas occurring within the context of the child’s environments and typical of the child’s chronological age peers.</p>
Multiple Disabilities	<p>“Multiple disabilities” means concomitant impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. “Multiple disabilities” does not include deaf-blindness.</p>
Other Health Impairment	<p>“Other health impairment” means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:</p> <p>(a) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and (b) Adversely affects a child’s educational performance.</p>
Orthopedic Impairment	<p>“Orthopedic impairment” means a severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).</p>

Specific Learning Disability	<p>“Specific learning disability”</p> <p>(a) General. “Specific learning disability” means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.</p> <p>(b) Disorders not included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.</p>
Speech or Language Impairment	<p>“Speech or language impairment” means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance.</p>
Traumatic Brain Injury	<p>“Traumatic brain injury” means an acquired injury to the brain caused by an external physical force or by other medical conditions, including but not limited to stroke, anoxia, infectious disease, aneurysm, brain tumors and neurological insults resulting from medical or surgical treatments. The injury results in total or partial functional disability or psychosocial impairment or both, that adversely affects a child’s educational performance. The term applies to open or closed head injuries, as well as to other medical conditions that result in acquired brain injuries. The injuries result in impairments in one or more areas such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.</p>
Visual Impairment	<p>“Visual impairment” including blindness means an impairment in vision that, even with correction, adversely affects a child’s educational performance.</p> <p>(a) The term “visual impairment” includes both partial sight and blindness. (b) The term “visual impairment” does not include a disorder in one or more of the basic psychological processes, such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.</p>

*Adapted from Ohio Operating Standards for the Education of Children with Disabilities, 2023

Alternative Means of Meeting Participation

Pursuant to **§ 300.328**, when conducting Team meetings and placement meetings and carrying out administrative matters, the parent of a child with a disability, or suspected disability, and Lexington Local Schools may mutually agree to use alternative means of meeting participation, such as video conferences and conference calls.

3301-51-07 Individualized Education Program (IEP)

(A) Each school district shall adopt and implement written policies and procedures approved by the Ohio department of education, office for exceptional children, that ensure an individualized education program (IEP) is developed and implemented for each child with a disability.

(B) The county boards of developmental disabilities (county boards of DD) and other educational agencies shall adopt and implement written policies and procedures approved by the Ohio department of education, office for exceptional children, that ensure services identified in the child's IEP are provided as agreed upon with the child's school district of residence.

(C) The child's school district of residence is responsible for ensuring that the requirements of this rule are met regardless of which school district, county board of DD, or other educational agency implements the child's IEP. This includes the responsibility for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability.

(D) Children in other districts or agencies

(1) The school district of residence is responsible for ensuring that an IEP is developed and implemented for each child with a disability residing in the school district. When providing special education services for a child with a disability in another school district, county board of DD, or other educational agency, the school district of residence must follow the same procedural safeguards as it does for all children with disabilities and have on file a copy of the current evaluation team report and the IEP.

(2) Each school district will cooperate with other districts, county boards of DD, and other educational agencies that serve children with disabilities in institutions or other care facilities to ensure that these children have access to an education in a regular public school setting, when appropriate and as specified in the IEP.

For additional rules and regulations regarding the Individualized Education Programs (IEPs) click [here](#).

3301-51-08 Parentally Placed Non-public School Children

(A) Children's rights to services each school district is required to provide equitable services and participation for eligible children who are attending a chartered or non-chartered nonpublic school located within the district's geographical boundaries. The school district must have timely and meaningful consultation with the chartered and non-chartered nonpublic school officials to determine if any children attending those nonpublic schools are eligible for equitable services.

For additional rules and regulations regarding Parentally Placed Non-Public School Children click [here](#).

In accordance with IDEA and O.A.C, Lexington Local Schools provides equitable services and participation for eligible children who are attending a chartered or non-chartered nonpublic school located within the district's geographical boundaries. The school district must have timely and meaningful consultation with the chartered and non-chartered nonpublic school officials to determine if any children attending those nonpublic schools are eligible for equitable services. This is coordinated through the district's child find procedures (*see Child Find Section*).

3301-51-09 Delivery of Services

(A) Least restrictive environment (LRE) - Each school district shall ensure that to the maximum extent appropriate, children with disabilities, including children in public or nonpublic institutions or other care facilities, are educated with children who are nondisabled.

(B) LRE requirements

General

(1) Except as provided in rule 3301-51-07 of the Administrative Code regarding children with disabilities in adult prisons, each school district shall adopt and implement written policies and procedures approved by the Ohio department of education, office for exceptional children, to ensure that the school district meets the LRE requirements of this rule.

(2) Each school district must ensure that:

(a) To the maximum extent appropriate, children with disabilities, including children in public or nonpublic institutions or other care facilities, are educated with children who are nondisabled

(b) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if 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.

For additional rules and regulations regarding the Delivery of Services click [here](#).

In accordance with IDEA and O.A.C, Lexington Local Schools ensures that to the maximum extent appropriate, children with disabilities, including children in public or nonpublic institutions or other care facilities, are educated with children who are nondisabled.

Parent Request for Special Education

Requests may come in as a phone call, a face-to-face conversation, dojo message, text message, voicemail, email, or any other form. Requests do not have to be written. Requests could also come in a way that may not explicitly use the word “request”, “evaluate”, or “test”. It may sound something like “a doctor said my child needs an IEP”, for example.

If a staff member receives communication from a guardian that would signify a request it must be acted upon quickly. The district cannot suggest the parent wait for testing, for any reason. The district has 30 days from the time the parent initiates the request to determine if there is a suspected educational disability. The district must, within 30 days 1) hold a planning meeting and obtain written parental consent to assess *or* 2) send the parent a Prior Written Notice (PR01) stating the reason(s) the district does not suspect a disability.

The district will adhere to the following procedure:

1. Staff member receives request
2. Staff member emails building principal and Special Education Director immediately with date request was made, student name, person who made the request, and details surrounding the request
3. Special Education Director and Principal will work together to assign team members (which will include the School Psychologist) to determine if there is a suspected educational disability
4. The School Psychologist assigned to the building will work with the ETR Chair to schedule the planning meeting *or* will write and send the PR01 which states the reason the district does not suspect a disability

The Multi Factored Evaluation (MFE) Process

Intervention Specialists and Related Service Providers are active participants in the MFE process. The School Psychologist and ETR Chairs are responsible for coordinating initial evaluations and 3 year re-evaluations. For Speech Language Impairment initial evaluations and reevaluations, the speech therapist serves as the coordinator for the evaluation process and for IEP development when the student is eligible for services.

Important timelines must be followed for MFE and IEP completion.

If a staff member receives communication from a guardian that would signify a request it must be acted upon quickly. The district cannot suggest the parent wait for testing, for any reason. The district has 30 days from the time the parent initiates the request to determine if there is a suspected educational disability. The district must, within 30 days 1) hold a planning meeting and obtain written parental consent to assess or 2) send the parent a Prior Written Notice (PR01) stating the reason(s) the district does not suspect a disability.

District Procedure:

1. Staff member receives request
2. Staff member emails building principal and Special Education Director immediately with date request was made, student name, person who made the request, and details surrounding the request
3. Special Education Director and Principal will work together to assign team members (which will include the School Psychologist) to determine if there is a suspected educational disability
4. The School Psychologist assigned to the building will work with the ETR Chair to schedule the planning meeting or will write and send the PR01 which states the reason the district does not suspect a disability

Initial evaluations must be completed within 60 calendar days of parental consent. Initial IEPs must then be completed within 30 days of the Evaluation Team Meeting date.

Intervention Specialists and Related Service Providers shall attend the Evaluation Team Meeting which determines eligibility for special education. The School Psychologist and ETR Chair will coordinate these meetings and send an outlook invite to the district team.

If the student is eligible for special education, the Intervention Specialist is responsible for drafting and coordinating the initial IEP. The date and time for the IEP meeting is set either at the Evaluation Team Meeting or is coordinated by the Intervention Specialist. This should be accomplished quickly (within two weeks) so the student begins receiving services as soon as possible, and the IEP can be implemented within 30 days of the ETR meeting.

Students who are identified as having possible weaknesses will be referred to the Intervention Assistance Team (IAT) in their building by their teacher. Students can receive tiered instruction based on the recommendations of the IAT. Referrals can be made by the IAT chair to the ETR chair for students who are making little or no progress, based on intervention data. The ETR chair will notify the school psychologist, and a planning meeting will be scheduled.

All interventions and referrals will be made regardless of race, ethnicity, or socioeconomic status.

ETR Chair Responsibilities

For the planning meeting, the ETR Chair will:

- Schedule the planning meeting with parents at a mutually agreeable time
- Utilize the outlook scheduling assistant when necessary to determine when required staff members are available
- Ensure all required (DR, GE, IS, Parent) and optional ([therapists](#)) team members are invited (via outlook invite for school staff) to the planning meeting
- Secure the planning meeting location and notify participants where meeting will be held (via the outlook invite for school staff)
- Create and send the parent invitation for the planning meeting to the family
- Begin and maintain documentation of attempts (OP09) (at least three varied)
- Ensure the Intervention Assistance Team has completed the Referral Page (PR-04) for an initial evaluation

After the planning meeting, the ETR Chair will:

- Send paperwork to necessary individuals as requested by the School Psychologist
- Collect paperwork and scan to the School Psychologist within one day of receipt, place originals in the psychologist's mailbox

Prior to the ETR meeting, the ETR Chair will:

- Ensure all required and optional team members are invited to the ETR meeting (via outlook invite for school staff)
- Secure the ETR meeting location and notify participants where meeting will be held (via the outlook invite for school staff)
- Create and send the parent invitation to the family for the ETR meeting and send reminders to the family
- Begin and maintain documentation of attempts (OP09) (at least three varied)
- Place the mandatory eye examination paperwork in the student folder, and scan to the psychologist

After the ETR meeting, the ETR Chair will:

- Work with the School Psychologist to ensure all team members signed necessary pages, and will assist to collect signatures if needed

Manifestation Determination Review

A Manifestation Determination Review meeting must be held when a student has been removed from daily instruction due to suspension. An MDR will be scheduled by the Special Education Director, in collaboration with building administration when a child has been suspended 10 days or has multiple suspensions getting close to 10 days with a pattern of behavior.

The student's intervention specialist, related service providers, and general education teachers will be asked to attend to provide input to the meeting.

If the team determines that the behavior in question is a manifestation of the student's disability:

- The student must return to school (or other placement) the next day
- The district will obtain parent permission to complete an FBA with a team across settings

Educational Agency Access Rights Under 34 C.F.R. § 300.613 and O.A.C. 3301-51-04(D)

Memorandum

To: Special Education Staff and Administrative Staff

From: Dr. Julie Borchers, Special Education Director

Subject: Educational Agency Access Rights Under 34 C.F.R. § 300.613 and O.A.C. 3301-51-04(D)

Date: May 22, 2025

Please refer to this memo in regard to how the District must comply with any records requests. If you receive a request from a parent please forward that to the Special Education Director, and the Treasurer so that the District responds in an appropriate and timely manner.

Purpose

This memorandum serves to inform and remind all teaching staff of the requirements and responsibilities concerning Educational Agency's (EAs) access to and confidentiality of student education records, as stipulated by federal and state regulations. Adherence to these guidelines is essential to ensure the protection of students' rights and the District's compliance with applicable laws.

Under the Individuals with Disabilities Education Act (IDEA), parents have the right to:

- Inspect and review any education records related to their child that are collected, maintained, or used by the EA.
- Request explanations and interpretations of the records.
- Obtain copies of records if failure to do so would effectively prevent the parent from exercising their right to inspect and review the records.
- Have a representative inspect and review the records.

Agencies must comply with these requests without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP), hearing, or resolution session, and in no case more than 45 days after the request has been made.

The Ohio Administrative Code mirrors the federal requirements, emphasizing that:

- Educational Agencies must permit parents to inspect and review education records.
 - EAs must comply with such requests without unnecessary delay and before any IEP meeting or hearing, and in no case more than 45 days after the request.
 - Parents have the right to request explanations and interpretations of the records, obtain copies if necessary, and have a representative inspect and review the records.
-

Your adherence to these guidelines is crucial in safeguarding student privacy and ensuring the District's compliance with federal and state regulations. Thank you for your attention to this matter and your continued dedication to our students.

3301-51-04 Confidentiality

Pursuant to [3301-51-04](#), Lexington Local Schools adheres to written policies, and procedures that:

- Let parents review their child's educational records.
- Protect student privacy and personally identifiable information, including how it's collected, used, stored, shared, and destroyed.
- Follow federal laws such as FERPA and the IDEA.

Parent Access to Records

Parents have the right to:

- Review their child's educational records promptly—within 45 days or sooner, especially before IEP meetings or due process hearings.
- Ask for explanations of records.
- Get copies if not providing them would limit their ability to review the information.
- Choose a representative to review records on their behalf.

Schools can assume a parent has rights unless there is legal documentation stating otherwise (e.g., due to custody issues).

Tracking Access to Records

Schools must keep a record of everyone (other than parents or school staff) who accesses a child's records, including names, dates, and reasons for access.

Multiple Students in One Record

If a record includes information about more than one student, parents can only see details about their own child.

Correcting Records

Parents can ask for records to be corrected if they believe the information is incorrect, misleading, or violates their child's privacy.

- Schools must respond in a reasonable time.
- If the request is denied, parents must be told why and informed of their right to a hearing.

Hearing and Outcomes

If a hearing is requested:

- It must be held promptly.

- Parents must be notified of the time and place in advance.
- The hearing must be fair and impartial, allowing parents to present evidence.
- Parents may bring an attorney or other representative (at their own cost).
- The decision must be in writing and based only on the evidence.

If the hearing finds the information inaccurate, the record must be corrected. If not, parents can add a written statement explaining their disagreement, which must be included in the record and shared anytime the record is shared.

Hearing Process

Hearing procedures must follow federal guidelines, ensuring transparency and fairness.

Parental Consent for Sharing Information

Parental consent (in writing) is required before schools share personally identifiable information with most outside parties, except when:

- The information is shared with other schools or agencies involved in providing services under IDEA.
- The student is transitioning to another program or agency (such as for post-secondary or vocational services).

If a student attends a private school outside their home district, parent consent is required before their data is shared between districts.

Student Rights

- Schools must explain how student privacy rights change with age and maturity.
- At age 18, rights under FERPA transfer to the student.
- If IDEA rights transfer to the student at the age of majority, so do FERPA rights—but parents must still be notified.

Public Records

Pursuant to Board Policy 8310, Lexington Local Schools adheres to the State's Public Records Act.

The Board of Education is responsible for maintaining the public records of this District and to make such records available to residents of Ohio for inspection and reproduction in strict adherence to the State's Public Records Act

The Board will utilize the following procedures regarding the availability of public records. "Public records" are defined as any document, device, or item, regardless of physical form or characteristic, including an electronic record created or received by or coming under the jurisdiction of the Board or its employees, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the District. "Electronic record" is defined as a record created, generated, sent, communicated, received, or stored by electronic means. "Public records" do not include medical records, documents containing genetic information, trial preparation records, confidential law enforcement investigatory records, educational support services data as defined by R.C. 3319.32, records the release of which is prohibited by State or Federal law, and any other exceptions set forth in R.C. 149.43. Confidential law enforcement investigatory records, medical records, and trial preparation records are as defined in R.C. 149.43. No public records, including but not limited to personnel records, personnel files, staff directories, and student records, shall include the actual/confidential addresses of students, parents, or employees who are participating in the Safe at Home/Address Confidentiality Program administered by the Secretary of State. Such public records and student records shall only contain the address designated by the Secretary of State to serve as the student's, parent's or employee's address.

The District's public records shall be organized and maintained so that they are readily available for inspection and copying. As such, public records will be available for inspection during regular business hours, with the exception of published holidays. The District's public records shall be promptly prepared and made available for inspection. A reasonable period of time may be necessary due to the volume of records requested, the proximity of the location where the records are stored, and/or for the District to review and redact non-public/confidential information contained in the record. Upon request, a person may receive copies of public records, at cost, within a reasonable period of time.

Each request for public records shall be evaluated for a response at the time it is made. Although no specific language is required to make a request, the requester must minimally identify the record(s) requested with sufficient clarity to allow the District to identify, retrieve, and review the record(s). If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for inspection or copies of public records such that the District's Record Officer cannot reasonably identify what public records are being requested, the District Record Officer or designee may deny the request but shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the District and accessed in the ordinary course of business. The request for records need not be in writing. The requestor shall not be required to provide their identity or the intended use of the requested public record(s).

At the time of the request, the records custodian shall inform the person making the request of the estimated length of time required to gather the records. All requests for public records shall be satisfied or acknowledged by the District promptly following the receipt of the request. If the request for records was in writing, the acknowledgment by the District shall also be in writing.

Any request deemed significantly beyond routine, such as seeking a voluminous number of copies and/or records, or requiring extensive research, the acknowledgment shall include the following:

- A. an estimated number of business days necessary to satisfy the request
- B. an estimated cost if copies are requested
- C. any items within the request that may be exempt from disclosure

The Superintendent is authorized to grant or refuse access to the records of this District in accordance with the law. Any denial, in whole or in part, of a public records request must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, the requester must be notified of the redaction and/or the redaction must be plainly visible, and each redaction must be accompanied by a supporting explanation, including legal authority. If the request for records was in writing, the explanation shall also be in writing.

A person may obtain copies of the District's public records upon payment of a fee. A person who requests a copy of a public record may request to have said record duplicated on paper, on the same medium on which the District keeps the record, or on any other medium in which the custodian of records determines that said record reasonably can be duplicated as an integral part of normal operations. A person who requests a copy of a public record may choose to have that record sent to him/her by United States mail or

by other means of delivery or transmission provided the person making the request pays in advance for the said record as well as the costs for postage and the mailing supplies.

The number of records requested by a person that the District will transmit by U.S. mail shall be limited to ten (10) per month, unless the person certifies, in writing to the District, that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. "Commercial" shall be narrowly defined and does not include reporting or gathering news, reporting gathering information to assist citizen oversight or understanding of the operation or activities of the District, or nonprofit educational research. (R.C. 149.43(B)(7))

Those seeking public records will be charged only the actual cost of making copies.

The charge for paper copies is ten cents (\$.10) per page.

There is no charge for documents e-mailed.

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the District (i.e., they serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the District). E-mail shall be treated in the same fashion as records in other formats and shall follow the same retention schedule.

Records in private e-mail accounts are subject to disclosure if their content relates to public business, and all employees or representatives of the District are responsible for retaining e-mails that meet the definition of public records and copying them to their District e-mail account(s) and/or to the records custodian.

The records custodian shall treat such e-mail/records from private accounts as records of the District. These records shall be filed appropriately, retained in accordance with the established schedules, and made available for inspection and copying in accordance with the Public Records Act.

Private e-mail, electronic documents, and documents ("private records") that do not serve to document the District's organization, functions, policies, decisions, procedures, operations, or other activities are not public records. Although private records do not fall under Policy 8310 or AG 8310A, they may fall under Policy 8315 - "Information Management" and/or AG 8315 - "Litigation Hold Procedure".

No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of their duties.

Nothing in this policy shall be construed as preventing a Board member, in the performance of the Board member's official duties, from inspecting any record of this District, except student records and certain confidential portions of personnel records.

A School District Records Commission shall be established consisting of the Board President, Treasurer/CFO, and Superintendent of Schools in accordance with law to judge the advisability of destroying District records. Record retention schedules shall be updated regularly and posted prominently. The Commission shall meet at least once every twelve (12) months.

The Superintendent shall provide for the inspection, reproduction, and release of public records in accordance with this policy and with the Public Records Law. Administrative guidelines shall be developed to provide guidance to District employees in responding to public records requests. The Superintendent shall require the posting and distribution of this policy in accordance with statute.

Model Policies and Procedures

Please see the [Ohio Department of Education and Workforce Model Policies and Procedures](#), that have been [Board adopted](#) for further information about Special Education.