



REFERRAL AND USE OF GENERAL EDUCATION INTERVENTIONS-ADMINISTRATIVE PROCEDURE

The Regional School Unit No. 24 (RSU) Board (RSUB) requires RSU personnel to refer to the Individualized Education Program (IEP) Team all school-age students suspected of having a disability that requires special education and related services. Referrals to the IEP Team may be made by a child's parent, by RSU professional staff, or by others with knowledge of the child. Referrals should be made and processed consistent with these procedures.

A. Referrals by Parents

A parent may refer his or her child to the IEP Team at any time. That referral shall be made in writing directly to the Director of Special Education. Should the parent seek to make a referral through other professional staff (such as teachers, guidance counselors, or administrators), that professional staff member shall directly assist the family in the referral process, including meeting with the BA to discuss the referral. Should a parent attempt to make a referral orally, professional staff shall assist the parent in reducing that referral to writing.

A parent referral shall be processed consistent with these procedures and governing timelines even if the child is receiving interventions pursuant to the RSU's general education interventions (discussed below). Those pre-referral procedures shall continue during the referral process, however.

B. Referrals by Staff

Any professional employee of the RSU may refer a child to the IEP Team regardless of the results of initial child find activities, but only after completion of any general education intervention process used by the RSU. The RSU may move directly forward with the referral process in those circumstances where the RSU and parent agree to do so. Even in that situation, however, general education interventions will continue during the referral process.

RSU professional staff shall prepare a referral in writing and shall submit that referral directly to the office of the Director of Special Education, following consultation with the BA.

C. Referrals by Others

Individuals or agency representatives (including representatives of the Department of Health and Human Services) with knowledge of the child may refer that child to the IEP Team regardless of the results of initial child find activities but only after completion of any general education intervention process used by the RSU. The RSU may move directly forward with the referral process in those circumstances where the RSU and parent agree to do so. Even in that situation, however, general education interventions will continue during the referral process.

Should such a person attempt to make a referral orally, professional staff shall assist that person in reducing that referral to writing and submitting it to the office of the Director of Special Education.

D. Receipt of Referral

Regardless of the source of the referral, a referral is received by the RSU on the date that the written referral is received by the Office of the Director of Special Education. It shall be signed and dated by the Director of Special Education/designee, thereby indicating the date of the receipt of that referral.

E. Time Line for Processing Referral

Once the referral has been received in the office of the Director of Special Education, the IEP Team shall meet and review existing evaluation data and determine the need for additional evaluations. The IEP Team may conduct its review without a meeting. If additional evaluations are needed, the RSU must send a "consent to evaluate" form to the parent within 15 school days of receipt of the referral. Also upon receipt of the referral without a meeting (from any source), the RSU shall send the parent the written notice form documenting that referral.

Once the IEP team/Special Education case manager receives the signed consent for evaluation back from the parent, the RSU shall have 45 school days to complete the evaluation and to hold an IEP Team meeting to determine whether the student qualifies for special education services. If the student is identified as a child with a disability in need of special education, the IEP Team should develop an IEP for that child either at that same meeting or within 30 calendar days of determining that the student is eligible.

The RSU shall implement the IEP as soon as possible following the IEP Team meeting when the child is found eligible, but no later than 30 calendar days after that meeting.

F. Transfer Students

Students who have already been identified as in need of special education services and who transfer into the RSU from another school unit *within Maine*, (and who had an IEP that was in effect in a previous school unit in Maine) shall on enrollment and in consultation with the parent, be provided with a Free Appropriate Public Education, (FAPE) (including services comparable to those described in the child's IEP from the previous school unit) until the RSU either adopts the child's IEP from the previous unit or develops, adopts, and implements a new IEP.

Students who have already been identified as in need of special services and who transfer into the RSU from another school unit *from outside of Maine* (and who had an IEP that was in effect in a previous school unit in another state) shall, on enrollment and in consultation with the parent, be provided with FAPE (including services comparable to those described in the child's IEP from the previous school unit) until the RSU conducts an evaluation to determine whether the student is eligible for special education and if so, develops, adopts, and implements a new IEP.

If the transfer student's current IEP from his/her prior school unit is not available or is believed to be inappropriate by either the parent or the RSU, the RSU should develop a new IEP through appropriate procedures within a short time after the student enrolls at the RSU.

If a child transfers into the RSU after the referral time line has begun in the previous school unit but before an eligibility determination has been made, the time line referenced above for completing that process shall not apply if the RSU is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the RSU agree to a specific time when the evaluation will be completed and the eligibility decision made.

General Education Interventions

Professional RSU staff who observes that a student is encountering academic or functional difficulties that interfere with the student's education shall document those specific difficulties on a pre-referral checklist.

The RSU staff member shall then develop intervention strategies using the intervention checklist on the pre-referral data form. The staff member shall consult with other RSU employees including specialists, and the student's parents in developing the intervention strategies, but the general education personnel are responsible for implementation of the interventions.

General education interventions shall include:

- a. Documentation that every child, prior to entering the general education intervention process, was provided with appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C.A. §6368(3)), appropriate mastery based instruction in math, appropriate instruction in the writing process, and positive behavioral supports;
- b. A team-based decision-making process;
- c. Screening at reasonable intervals to determine whether all children are progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements;
- d. Data analysis of screening results focusing on determining to what extent all children are progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements and identifying which children are not making adequate progress towards these goals and are in need of targeted general education interventions;
- e. A determination as to whether a child's assessed difficulties are likely the result of linguistic or cultural differences;
- f. Provision of research-based general education interventions targeted at the child's presenting academic and/or behavioral concerns as determined by screening results;
- g. Repeated formative assessments of student response to targeted interventions, conducted at reasonable intervals, that generate rate based measurable data for both specifying academic and behavioral concerns and monitoring the child's progress during general education interventions;
- h. Documentation that parents were notified about the process, given the opportunity to participate in instructional decision-making, and kept informed of their child's progress during targeted general education interventions;
- i. A team shall review the child's progress no later than 60 school days after the start of formal general education interventions and approximately every 30 school days thereafter. At each meeting the team shall review data on the child's progress to determine if modifications to the general education interventions are needed and/or if a referral to special education is indicated; and
- j. Provisions for targeted general education interventions to continue during any subsequent special education referral.

The parent of a child receiving general education interventions may request that the RSU conduct a full and individual evaluation for possible special education eligibility determination at any time during the RSU's established general education intervention process.

The general education interventions developed through this pre-referral process shall be continued in the event of a referral while the referral is being handled by the IEP Team, and the resulting data shall become part of the child's special education file.

Special education due process procedures shall not be used to address parental concerns regarding successful implementation of these pre-referral procedures, and the failure to use this pre-referral process may not be used in special education due process proceedings to establish that the RSU has failed to meet its child find or referral obligations.

Legal Reference Ch. 101, §§ II(23), III, IV(2)(D), (E), V(4)(A) (Me. Dept. of
Ed. Rules) (July 2015)

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