The purpose of this document is to assist local education agencies (LEAs) in developing a special education policies and procedures manual. Each LEA must have in effect a Utah State Board of Education (USBE)-approved special education program, including policies and procedures that are consistent with the USBE Special Education Rules (Rules) in order to receive Individuals with Disabilities Act (IDEA) Part B flow-through funds (Rules IX.A.1-2.).

Each LEA is responsible for the development and implementation of special education policies and procedures; therefore, LEAs are encouraged to work as a team of both general and special education administrators, teachers, board members, and other staff members to write the manual.

The updated model policies and procedures manuals on the USBE website contain all required components of the Rules, ensuring compliance. Please note: In the past, the model manuals contained additional sections and wording not found in the Rules. Except for the places where the LEA needs to insert its name, minor word changes, and a few paragraphs written to fulfill policy and procedure manual requirements, the wording in the new model manuals comes directly from the Rules. All additions to and/or changes from the Rules are noted in this document.

LEAs may set their standards higher and include additional policies and procedures to implement. However, any additional procedures added to the model may not conflict with existing requirements and are subject to review by USBE staff. “The USBE approval of the LEA’s policies and procedures includes the approval of any supporting documentation necessary to ensure their implementation” (Rules IX.A.2.).

Please note the following:

- The guiding questions are suggestions only; they are not required.
- The guiding questions are intended to help LEAs further define the policies and procedures at a local level. Even if your LEA chooses not to include additional policies and procedures in your manual, these questions can be used as a starting point for further evaluating and developing a stronger, more effective special education program to help improve outcomes for students with disabilities.
It is suggested you read the guiding questions in tandem with the model manual to ensure understanding of the process.


When entering additional policies into your LEA’s manual, write them as statements. Here are a few examples:

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<th>EXAMPLE statement for your LEA’s manual</th>
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<td>II.A.4.</td>
<td>The enrollment application at [LEA] includes questions about whether a student has received special education and related services in the previous school or educational program. The school registrar informs the special education director of incoming students with IEPs. The special education director is responsible for obtaining the records from the previous school.</td>
</tr>
<tr>
<td>II.D.</td>
<td>When the signed parental or adult student consent for evaluation is received, the special education case manager writes the date it was received on the form. The special education case manager is responsible for ensuring the evaluation is completed within 45 school days of receiving the consent.</td>
</tr>
<tr>
<td>III.C.</td>
<td>When a student transfers out of [LEA], the registrar emails the Special Education Director. The Special Education Director is responsible for copying the file for the LEA’s records and sending the original records to the new LEA. The Special Education Director keeps a written log of all transfer-out records, including the date, time, and signature of the person receiving the file.</td>
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I. GENERAL PROVISIONS

Definitions

References: PPMM I.B.; Rules I.E.

NOTE: The PPMM does not list all the definitions found in the Rules. Rather, it includes a statement signifying adoption of all applicable definitions. Your LEA may choose to include any or all definitions in its policies and procedures manual. Following are additional definitions not in the Rules that your LEA may want to include in its manual.

Asynchronous learning means communication exchanges which occur in elapsed time between two or more people. Examples include email, online discussion forums, message boards, blogs, podcasts, etc.

Blended course means a course that combines two models of instruction, online and face-to-face.

Blended learning means any time a student learns both at a supervised brick-and-mortar location away from home and through online delivery with some element of student control over time, place, path, and/or pace; often used synonymously with Hybrid Learning (Horn and Staker, 2011).

Brick-and-mortar schools means traditional schools or school buildings, as contrasted with an online school.

Online course means any course offered over the internet.

Online learning means education in which instruction and content are delivered primarily over the internet (Watson & Kalmon, 2005). The term does not include print-based correspondence education, broadcast television or radio, videocassettes, and stand-alone educational software programs that do not have a significant Internet-based instructional component (U.S. Department of Education Office of Planning, Evaluation, and Policy Development Policy and Program Studies Service, 2010). The term “online learning” is used interchangeably with virtual learning.

Online school means a formally constitute organization (public [traditional or charter], private, state, etc.) that offers full-time education delivered primarily over the internet.

Statewide Online Education Program means courses offered to students under Title 53F, Chapter 4, Part 5, Statewide Online Education Program Act (R277-726-2(15)). The Statewide Online Education Program is created to enable an eligible student to earn high school graduation credit through the completion of publicly funded online courses (UCA 53F-4-502(1)).

Synchronous learning means online learning in which the participants interact at the same time and in the same space, as contrasted with asynchronous learning.
Full Educational Opportunity Goal

**References:** PPMM I.C.; Rules IX.A.2.d(2)(c)

**NOTE:** PPMM I.C. does not come directly from the Rules. It was created to fulfill a policy and procedure requirement for LEAs. You can choose to keep the paragraph as is, or you can create your own policy regarding a Full Educational Opportunity Goal.

Methods of Ensuring Services

**References:** PPMM I.D.; Rules IX.A.2.d(2)(m)

**NOTE:** PPMM I.D does not come directly from the Rules. It was created to fulfill a policy and procedure requirement for LEAs. You can choose to keep the paragraph as is, or you can create your own policy regarding methods of ensuring services.

II. IDENTIFICATION, LOCATION, AND EVALUATION

Child Find

**References:** PPMM II.A.4.a.; Rules II.A.4.a.

**Guiding Questions:**

🔍 What procedure does your LEA have in place to determine if incoming students have received special education and related services in the previous school or educational program?

🔍 What procedure does your LEA have in place to ensure records of incoming students with disabilities are received?

🔍 How does your LEA train staff on its Child Find obligation and on awareness of observed academic or social/emotional behaviors that might suggest a suspected disability?

🔍 Does your LEA have a procedure for identifying and evaluating students with disabilities including those attending virtually, distance learning, dual enrollment?

🔍 **District Manual Only:** What procedures are followed to locate/identify students with disabilities in other settings (such as private school, homeschool, residential treatment, etc.)

Referral

**References:** PPMM II.B.1.; Rules II.B.1.

**Guiding Questions:**

🔍 When developing procedures for parent, adult student, or LEA referrals consider such things as:

🔍 What types of evidenced based interventions (Positive Behavior Interventions and Supports [PBIS], Response to Intervention [RtI], Multi-Tiered System of Supports [MTSS], etc.) take place in your LEA for academics and behavior?
How do teachers document results of instruction and interventions and who do they contact regarding collected data?

How do you ensure that pre-referral interventions or an RtI system are not used to delay an evaluation for eligibility when a staff member or parent or adult student requests an evaluation?

What forms are filled out when parents and/or staff members are referring a student for an evaluation?

Is there a procedure for determining whether a request for a referral should move forward with a special education evaluation?

If your LEA decides to not move forward with the evaluation, what is the procedure?

Does your LEA wish to specify what a “reasonable timeframe” is regarding a parent request for an evaluation?

How are staff informed of and trained on the referral procedures?

How are parents informed of the referral procedures?

Parental Consent

References: PPMM II.C.; Rules II.C.

Guiding Questions:

What is your LEA procedure for documenting attempts to obtain parental or adult student consent and/or participation (PPMM II.C.1.c.)?

What methods of communication might your LEA use in attempting to obtain parental consent (PPMM II.C.1.c.)?

Does your LEA wish to further define “reasonable efforts” (PPMM II.C.1.c.)?

What procedures are in place when parental consent is not obtained for an initial evaluation, services, or a reevaluation (PPMM II.C.1.f.)?

Initial Evaluation

References: PPMM II.D.2.a.; Rules II.D.

Guiding Questions:

What is the procedure upon receipt of the parent or adult student consent for an evaluation?

Who receives the consent and tracks the 45-school day timeline?
Evaluation Procedures

References: PPMM II.F.; Rules II.F.

Guiding Questions:

☞ How does your LEA ensure that assessments are selected and administered in the student’s native language or other mode of communication (PPMM II.F.2.b.)?

☞ How does your LEA ensure, and document assessments are administered by trained and knowledgeable personnel based upon the specific assessment’s requirements (PPMM II.F.2.e.)?

☞ Does your LEA wish to develop specific protocols for assessing student’s health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities (PPMM II.F.5.d.)?

☞ What procedure does your LEA have to determine which assessments, tools, and strategies are used to ensure the evaluation is sufficiently comprehensive to identify all the student’s special education and related service needs (PPMM II.F.5.e.)?

Reevaluation Procedures

References: PPMM II.G.2.b.; Rules II.G.

Guiding Question:

☞ What is your procedure for ensuring reevaluations occur at least once every three years?

Additional Requirements for Initial Evaluations and Reevaluation Procedures

References: PPMM II.H.; Rules II.H.

Guiding Questions:

☞ Does your LEA want to establish a timeline to review existing data and obtain consent for an evaluation (PPMM II.H.1.)?

☞ How does your LEA ensure current data is gathered and reviewed, and all team members, including the parents, have an opportunity to provide input (PPMM II.H.1.)?

☞ Does your LEA want to develop a policy for whether or not a meeting must be held in reviewing existing data (PPMM II.H.2.)?

☞ Does your LEA wish to specify additional procedures for evaluating a student before determining that the student is no longer a student with a disability (PPMM II.H.6.)?

Determination of Eligibility

References: PPMM II.I.; Rules II.I.

Guiding Questions:

☞ What procedures or steps might your LEA take to ensure that the determining factor for special education services in not based on a lack of appropriate instruction in reading, math and/or limited English proficiency (PPMM II.I.3.a.)?
Does your LEA wish to develop procedures for identifying, documenting, and considering information from a variety of evaluation sources (PPMM II.I.4.b.)?

What procedure does your LEA follow to ensure all IEPs are developed within 30 calendar days after a student has been determined eligible for special education and related services (PPMM II.I.4.b.)?

Categorical Definitions, Criteria, and Assessments – Specific Learning Disability

References: PPMM II.J.; Rules II.J.10.

Guiding Questions:

Does your LEA wish to specify how data is collected and documented to demonstrate the student was provided appropriate instruction in regular education settings, delivered by qualified personnel (PPMM II.J.1.c.(2)(a))?

How does your LEA ensure parents receive data-based documentation of repeated assessments of achievement at reasonable intervals (PPMM II.J.1.c.(2)(b))?

Does your LEA want to specify what “an appropriate period of time” is (PPMM II.J.1.c.(3)(a))?

For guiding questions regarding the method your LEA has chosen, refer to the USBE Specific Learning Disabilities (SLD) Eligibility Guidelines.

Categorical Definitions, Criteria, and Assessment – Other Eligibility Categories


Guiding Questions:

The model manual only lists the category of Specific Learning Disabilities and includes a statement signifying adoption of all 13 categories under Part B of the IDEA. Your LEA may choose to include the criteria and evaluation for some or all categories in its policies and procedures manual.

What procedures does your LEA follow when obtaining a medical history?

Autism (Rules II.J.1.c.(2)), Multiple Disabilities (Rules II.J.7.c.(3)), Orthopedic Impairment (Rules II.J.8.c.(2)), Other Health Impairment (Rules II.J.9.c.(2)), Traumatic Brain Injury (Rules II.J.12.c.(2))

Does your LEA want to develop specific protocols for conducting observations?

Emotional Disturbance (Rules II.J.4.c.(2)), Multiple Disabilities (Rules II.J.7.c.), Specific Learning Disability (Rules II.J.10.c.(4))

Are there any other category specific procedures you want to add?
III. IEP DEVELOPMENT AND SERVICE DELIVERY

When IEPs Must Be in Effect

References: PPMM III.B.; Rules III.B.

Guiding Questions:

What is your LEA procedure for:

- Ensuring that each student with a disability has an IEP in effect at the beginning of the school year (PPMM III.B.1.)?
- Scheduling IEP meetings (PPMM III.B.2.)?
- Developing IEPs (PPMM III.B.2.)?
- When special education and related services are made available to the student in accordance with the student’s IEP (PPMM III.B.2.b.)?
- How and when all teachers and providers are informed of their specific responsibilities in the implementation of an IEP, and of the specific accommodations, modifications, and supports (PPMM III.B.3.b.)?
- Documenting IEP implementation (PPMM III.B.3.)?

Transfer Students

References: PPMM III.C.; Rules III.C.

Guiding Questions:

What is your LEA’s process when a student with a disability with a current IEP transfers from another LEA within the same school year (PPMM III.C.1.a.)?

What is your LEA’s process when a student with a disability with a current IEP transfers from another LEA during the summer (PPMM III.C.1.a.)?

Does your LEA have a procedure in place to ensure transfer students are provided with a FAPE until an IEP is in place (PPMM III.C.1.a.)?

Does your LEA want to establish specific procedures for file transfer requests when a student transfers out of your LEA (PPMM III.C.3.b.)?

Does your LEA wish to specify what copies are kept and where they are located after a student transfers out of the LEA (PPMM III.C.3.c.)?

IEP Team Membership

References: PPMM III.E.; Rules III.E.

Guiding Questions:

Does your LEA want to specify the requirement as to who can interpret the instructional implications of evaluation results (PPMM III.E.6.)?
IEP Team Attendance

References: PPMM III.F.; Rules III.F.

Guiding Questions:

💡 Does your LEA want to put procedures in place for excusing a required IEP team member (PPMM III.F.1.)?

💡 When a required team member is excused prior to an IEP meeting, does your LEA have a process to ensure written input is provided to the parents prior to the meeting (PPMM III.F.4.)?

Parent Participation

References: PPMM III.G.; Rules III.G.

Guiding Questions:

💡 Does your LEA have alternative means of meeting participation such as video conferencing or conference call (PPMM III.G.2.)?

💡 Does your LEA want to develop a policy for the number and type of documented attempts required to obtain parent participation (PPMM III.G.3.)?

💡 Does your LEA wish to specify where records of parent contact attempts are kept (PPMM III.G.3.)?

💡 What is your LEA policy on training and using interpreters (PPMM III.G.4.b.)?

💡 How are parents involved in the process of developing, reviewing, and revising an IEP and participating meaningfully in the IEP process (PPMM III.G.5.)?

Notice of Meeting

References: PPMM III.H.; Rules III.H.

Guiding Question:

💡 Does your LEA wish to include a procedure for ensuring the Notice of Meeting meets all compliance requirements?

Development, Review, and Revision of the IEP

References: PPMM III.I.; Rules III.I.

Guiding Questions:

💡 Does your LEA have a process to ensure special factors are appropriately considered by the IEP team and documented correctly (PPMM III.I.1.b.)?

💡 How does your LEA ensure that the IEP team refers to the USBE Least Restrictive Behavior Interventions (LRBI) when making decisions on behavior interventions (PPMM III.I.1.b.(5)(a))?
How does your LEA ensure a regular education teacher has an opportunity to contribute to the development of the IEP (PPMM III.I.1.d.)?

Does your LEA wish to define what changes to the IEP can be made through an amendment without an IEP team meeting (PPMM III.I.2.)?

Is there a procedure in place to ensure the parent or adult student and all service providers are notified of the amendment to the IEP (PPMM III.I.2.c.)?

Definition of the Individualized Education Program (IEP)

References: PPMM III.J.; Rules III.J.

Guiding Questions:

Does your LEA want to include pre-IEP drafting procedures to ensure IEPs meet compliance requirements PPMM (III.J.2.)?

Does your LEA wish to include steps for ensuring progress reports are provided to parents, as noted in the IEP (PPMM III.J.2.d.)?

Does your LEA want to include a procedure for educating parents and staff on the requirement that all students participate in statewide assessments (PPMM III.J.2.h.)?

NOTE: PPMM III.J.2.h. does not come directly from the Rules. It was created to fulfill a policy and procedure requirement for LEAs (Rules IX.A.2.d.(2)(k)). You can choose to keep the paragraph as is, or you can create your own policy regarding participation in statewide assessments and reporting assessment results.

Extended School Year (ESY) Services

References: PPMM III.M. (Charter), III.N. (District); Rules III.N.

Guiding Questions:

Does your LEA have a procedure for determining, documenting, and implementing ESY services (PPMM III.M.3.; PPMM III.N.3.)?

Does your LEA want to include any other procedures for using data, beyond an analysis of regression and recoupment, when determining ESY services (PPMM III.M.4.c.; PPMM III.N.4.c.)?

Continuum of Alternative Placements

References: PPMM III.O. (Charter), III.P. (District); Rules III.P.

Guiding Question:

How does your LEA ensure students have access to the most appropriate placement and services within the continuum (PPMM III.O.1.; PPMM III.P.1.)?
Placements
References: PPMM III.P. (Charter), III.Q. (District); Rules III.Q.
Guiding Question:
 Does your LEA want to include specific procedures for how placement decisions are made (PPMM III.P.1.a.; PPMM III.Q.1.a.)?

IV. PROCEDURAL SAFEGUARDS
Independent Educational Evaluation (IEE)
Guiding Question:
 Does your LEA want to include your criteria for an IEE, including, but not limited to, a list of qualified, potential evaluators, and if available, the range of fees each evaluator charges?

Procedural Safeguards Notice
References: PPMM IV.D.; Rules IV.D.
Guiding Questions:
 Does your LEA wish to specify when the annual procedural safeguard notice is given to parents (PPMM IV.D.1.)?
 Does your LEA have copies of the procedural safeguards in multiple languages (PPMM IV.D.4.)?
 If so, do you wish to state which languages the notice is available in and how parents can obtain a copy?

Surrogate Parents
References: PPMM IV.T.; Rules IV.T.
Guiding Questions:
 What steps does your LEA take to identify and locate a parent for a student under the age of majority (PPMM IV.T.1.)?
 Does your LEA have a method for assigning a surrogate parent to a student (PPMM IV.T.2.)?
 Does your LEA have a list of available surrogate parents, or know who to contact for assistance (PPMM IV.T.2.)?
Transfer of Parental Rights at Age of Majority

References: PPMM IV.U.; Rules IV.U.

Guiding Questions:

.DoesNotExist your LEA have a procedure for notifying the individual and the parent(s) of the transfer of rights (PPMM IV.U.1.)?

Does your LEA wish to further define “a reasonable time frame” (PPMM IV.U.1.d.)?

Confidentiality

References: PPMM IV.V.; Rules IV.V.

Guiding Questions:

Does your LEA wish to specify where the record of access is located for each student (PPMM IV.V.5.)?

Does your LEA wish to specify where the list of the types and locations of education records collected, maintained, or used by your LEA is kept (PPMM IV.V.7.)?

Does your LEA wish to designate the official that assumes responsibility for ensuring the confidentiality of any personally identifiable information (PII) (PPMM IV.V.14.b.)?

Does your LEA wish to identify how often persons at the LEA collecting or using PII must receive training or instruction regarding the State’s policies (PPMM IV.V.14.c.)?

Does your LEA wish to create a policy regarding the location and updating of the listing of names and positions of employees within the LEA who may have access to PII on students with disabilities (PPMM IV.V.14.d.)?

Does your LEA wish to further define your policy and procedure regarding the destruction of student records (PPMM IV.V.15.d.)?

Does your LEA wish to create a policy regarding the location and updating of the listing of names and positions of employees within the LEA who may have access to PII on students with disabilities (PPMM IV.V.14.d.)?

Does your LEA wish to further define your policy and procedure regarding the destruction of student records (PPMM IV.V.15.d.)?

District only: consider Medicaid timelines

V. DISCIPLINE PROCEDURES

Services

References: PPMM V.C.; Rules V.C.

Guiding Questions:

Does your LEA have a procedure to ensure a student who has been removed from his or her current placement can continue to receive educational services (PPMM V.C.1.a.)?

Does your LEA have a procedure in place for conducting a functional behavior assessment (FBA) (PPMM V.C.1.b.)?
VI. STUDENTS WITH DISABILITIES IN OTHER SETTINGS

Students with Disabilities Enrolled by Their Parents in Private Schools When FAPE is at Issue

References: PPMM VI.C. (District Only); Rules VI.C.

NOTE: PPMM VI.C.1.a. does not come directly from the Rules. It was added to provide clarity to district responsibilities. Your district can choose to keep it or delete it.

VII. TRANSITIONS

Transition Services—School to Post-School

References: PPMM VII.A.; Rules VII.A.

Guiding Questions:

 When considering postsecondary goals and transition services, what steps does your LEA have in place to ensure the student’s preferences and interests are considered (PPMM VII.A.2.a.(2))?

 For students ages 14 and older, does your LEA have a procedure in place for identifying when another agency will be invited and how to receive parent or adult student consent (PPMM VII.A.3.c.)?

VIII. RESPONSIBILITIES OF THE UTAH STATE BOARD OF EDUCATION

State Eligibility

Program Options

References: PPMM VIII.B.1.; Rules VIII.B.3.

Guiding Question:

 Does your LEA wish to add to, or modify, the listing of educational programs and services available to disabled and nondisabled students?

Personnel Qualifications


Guiding Question:

 Does your LEA wish to further define the requirements for paraeducator qualifications (PPMM VIII.D.2.c.)?
 Refer to the USBE Paraeducator Manual
Prohibition on Mandatory Medication

References: PPMM VIII.F.; Rules VIII.X.

Guiding Question:

Does your LEA wish to have a policy in place for how and when staff communicate with parents regarding medication?

IX. LEA ELIGIBILITY AND RESPONSIBILITIES

LEA Eligibility for IDEA Part B Funds

References: PPMM IX.A.; Rules IX.A.2.d.

NOTE: PPMM IX.A.6. does not come directly from the Rules. It was created to fulfill a policy and procedure requirement for LEAs (Rules IX.A.2.d.(2)(r)). You can choose to keep the paragraph as is, or you can create your own policy regarding performance goals and Indicators in the State Performance Plan (SPP) (e.g., Program Improvement Plan [PIP], Annual Performance Report [APR]).

NOTE: PPMM IX.A.7. does not come directly from the Rules. It was created to fulfill a policy and procedure requirement for LEAs (Rules IX.A.2.d.(3)). You can choose to keep the paragraph as is, or you can create your own policy regarding additional procedures required to meet Federal requirements.

Personnel Development

References: PPMM IX.E.; Rules IX.E.

Guiding Questions:

How does your LEA ensure that all personnel are appropriately and adequately prepared (PPMM IX.E.1.)?

How does your LEA ensure that paraeducators are appropriately trained and supervised, and utilized in accordance with USBE Paraeducator Standards (PPMM IX.E.2.)?

Refer to the USBE Paraeducator Manual

Does your LEA have a procedure for documenting, training, and supervising personnel (PPMM IX.E.3.)?

LEA Provision of FAPE

References: P&P Model IX.F. (Charter), IX.G. (District); Rules IX.G.

Guiding Questions:

Does your LEA wish to specify caseload and workload amounts?

Does your LEA have a protocol for overseeing the caseload and workload of special education service providers?
Routine Checking of Hearing Aids and External Components of Surgically Implanted Medical Devices

References: PPMM IX.G. (Charter), IX.H. (District); Rules IX.H.

Guiding Question:

🔍 How does your LEA ensure that hearing aids and external components of surgically implanted medical devices are functioning properly?

X. SPECIAL EDUCATION FUNDING

Allocation of State Special Education Funds for Programs for Students with Disabilities

References: PPMM X.B.; Rules X.B.3.

Guiding Question:

🔍 Does your LEA want to develop procedures to ensure compliance with the UPIPS monitoring requirements?

🔍 Does your LEA want to develop procedures to ensure the allowable use of each type of restricted funding?