

**SUBJECT: REFERRAL/PRE-REFERRAL ADMINISTRATIVE PROCEDURE****DATE OF ORIGINAL POLICY:****DATE OF NEXT REVIEW:****CANCELS POLICY CODE:****REVISION DATE:** April 2003**JURISDICTION:** Poland Regional High School**PHILOSOPHY:**

It is the philosophy of the Poland High School Committee that procedures appropriate to the process of identifying students for special education referral are important to carrying out a comprehensive identification process.

**POLICY:**

School employees who are making a referral shall do so by contacting the Poland Regional High School special education contact person or the Union 29 Special Education Director and by filling out the appropriate referral forms. Parents/guardians may, at any time, refer their child to the Pupil Evaluation Team (PET) if they believe the child may be in need of special services. Parents/guardians should contact the Poland Regional High School special education contact person or the Union 29 Special Education Director to make a referral, but also may contact the child's teacher to make that referral. School professionals who are informed by parents/guardians or others of a desire to refer a student should immediately direct that person to the Union 29 Special Education Director for initiation and discussion of referral process. The school professional should also document in writing the contact with parents/guardians or other person and should immediately forward that documentation to Union 29 Special Education Director.

Once a referral has been made, the PET members have 15 school days to review any existing evaluation data and to determine what evaluations may be needed as part of the referral process. That review may occur either at a PET meeting or through other discussions that fully include the parents/guardians. If PET members are unable to reach agreement on necessary evaluations outside of a PET meeting, a PET meeting shall be held to discuss the issue.

Within 15 school days of receiving the referral, the local school unit should send to the parents/guardians a Consent For Initial Evaluation form. When the school receives that consent back from the family with the appropriate signatures, the local school unit has 45 school days to complete the evaluation and to hold a PET meeting to determine whether the student qualifies for special education services. If the student is identified as a child with a disability in need for special education, the PET should develop an Individualized Education Program for that child within 30 days of the determination that the student is eligible.

Transfer students who have already been identified as in need of special services shall, on transfer and with prior written notice to the parents/guardians, be provided with special education consistent with the IEP developed at the prior school, and shall be referred to the PET to review the program. 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 parents/guardians or the

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school, the school should develop a new IEP through appropriate procedures within a short time after the student enrolls in the school.

Upon enrollment in public schools, a student who was being served by the CDS system shall be treated by the local school unit in the same manner as are transfer students under the state special education regulations, except that the student's Individual Family Service Plan from CDS will be considered as his/her current IEP until such time as a PET meets to alter or amend that program. Placement, however, will be in the public school system rather than at the site provided by CDS.

### **Pre-Referral Strategies**

Professional school staff members who observe that a student is encountering academic, social, or emotional difficulties in school that interfere with the student's education shall document those specific difficulties on a Pre-Referral Checklist.

The school staff member shall then develop an intervention strategy, using the intervention checklist that accompanies the Pre-Referral Checklist. The staff member may consult with other school employees and/or the student's parents/guardians in developing the intervention strategy. The intervention strategy shall have an established time period for implementation, and at the end of that time, its success shall be assessed and documented at the bottom of the intervention checklist. If the intervention strategy fails to resolve satisfactorily the difficulties that were interfering with the student's education and the staff member suspects the student may be in need of special education, the staff member shall refer the student to a PET in accordance with the referral process noted above.

### **Parental Notice**

In addition to other requirements for parental notification, the school unit shall notify parents/guardians in writing consistent with State special education regulations whenever their child has been referred to the PET and shall notify the parents/guardians whenever their child has demonstrated educational difficulties that have led to completion by a staff member of the Pre-Referral Checklist and intervention strategy checklist.

The notification of pre-referral interventions should include copies of the completed checklists and shall request that the parents/guardians contact the staff member who has completed the documents. That notification shall also inform the parents/guardians that they have a right to refer their child directly to the PET if they suspect that their child may need special education services. The local school unit may advise the parents/guardians as to why it may be appropriate to have the child participate in the intervention strategies prior to a referral to the PET, but the local school unit shall not reject or delay the referral until the intervention strategies have been tried if the parent requests that the school proceed immediately with the referral. The school shall document the parents/guardian's decision.

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That notification shall also inform the parents that they have a right to request a due process hearing from the Maine Department of Education in response to any refusal by the school to proceed with their request to refer their child to the PET.

**AMPLIFYING INSTRUCTIONS AND GUIDELINES:**

As per this Policy

**DELEGATION OF AUTHORITY:**

The Poland High School Committee delegates authority to the Superintendent of School Union 29 who will work through the Special Education Department to assure compliance.

**EXCEPTIONS TO THE POLICY:**

None

**REPORTS:**

None

**DEFINITIONS:**

None

**ATTACHMENTS:**

None

**LEGAL REFERENCES:**

20 USC §§ 1400 (c)(5)(F)

34 CFR Part 300, App.A., Q.17 (Mar.1999)

Me. Spec. Ed. Reg. ch. 101 §§ 7.7, 9.8, 9.17 (Nov. 1999)

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**SIGNATURE BLOCK:**

Poland Regional High School Committee

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Ira Levine, Chair DATE

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Peter Bolduc DATE

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Jack Conway DATE

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Norman Davis DATE

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Laurie Levine DATE

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Colleen Quint DATE

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David Griffiths DATE

**[NOTE: This sample policy was reviewed and revised for MADSEC by Eric Herlan, Esq., Drummond Woodsum & MacMahon, in April 2000, for compliance with special education regulations in effect as of November 1, 1999, and is distributed by MSMA with the permission of MADSEC. Any substantive modifications of this sample policy should be reviewed by legal counsel. As law and regulations in this area frequently change, local school units may wish to consult with their legal counsel before adopting this policy.]**