

SPECIAL EDUCATION PROGRAMS FOR DISABLED STUDENTS

Maine School Administrative District #30 shall provide free appropriate public education to all students with disabilities of eligible school age for whom the school unit has legal responsibility. The procedure implemented by the school unit to ensure that each disabled student receives a free appropriate public education shall be consistent with those set forth in the Maine Special Education Regulations, and shall include the establishment of Pupil Evaluations and appropriate evaluation procedures. To that end, MSAD #30 shall provide a free appropriate public education to all students with disabilities who:

- A. Have reached age five years on or before October 15 of the current school year;
- B. Have not graduated from secondary school or reached twenty years of age before the start of the current school year (July 1);
- C. Have any exceptionality as defined by the Maine Special Education Regulations that adversely affects their educational performance; and
- D. Require the provision of regular and/or special education services and, if needed, supportive services in order that the student may benefit from an elementary or secondary educational program.

Adopted: MARCH 26, 1991

Revised: \_\_\_\_\_

## REFERRAL TO PUPIL EVALUATION TEAM

### GENERAL

It shall be the policy of the school unit to refer all school-age students suspected of having a disability that requires special education to the Pupil Evaluation Team (PET) for an evaluation in the suspected areas of disability. Referrals of students to the PET may be made by professional school staff, by parents, and by other persons knowledgeable about the child's educational needs.

### REFERRAL PROCESS

School employees who are making a referral shall do so by contacting [school office or person] and by filling out the appropriate referral forms. School employees who are informed by parents or others of a desire to refer a student shall immediately direct that person to [office/person] for initiation and discussion of the referral process. The school employee shall also document in writing the contact with the parent or other person and shall forward that documentation to [office/person].

### 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 in developing the intervention strategy. The intervention strategy shall have an established time period for implementation, and at the end of which 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 that the student may be in need of special education, the staff member shall immediately refer the student to a Pupil Evaluation Team in accordance with the referral process noted above.

### PARENTAL NOTICE

In addition to other requirements for parental notification, the local school unit shall notify parents in writing whenever their child has been referred to the PET, or 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.

That notification shall include copies of the completed checklists and shall request that the parents contact the staff member who has completed the documents. That notification shall also inform parents 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 school unit may advise the parents 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 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 parent's decision.

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 this child to the Pupil Evaluation Team.

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FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)

STUDENT EDUCATION RECORDS

I. INTRODUCTION

This policy has been adopted by MSAD #30 to implement state and federal legislation establishing guidelines governing the manner in which student records are maintained and supervised. The purpose of the legislation is to assure students and parents of students access to their official records so that they may be sure the information contained in their files is accurate. Further, the legislation seeks to guarantee that these files are used only for legitimate educational purposes and are not released without the written permission of the student or parent of the student except as permitted by law.

II. DEFINITIONS

The following definitions apply to terms used in this policy.

- A. "Act" means the Family Educational Rights and Privacy Act (FERPA).
- B. "Directory information" includes the following information related to the student: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of student, athletics, date of attendance at MSAD #30 schools, honors and awards received, and the most recent previous educational institution attended by the student.
- C. "Eligible student" means a student who has attained eighteen years of age, has not been judged by a court of competent jurisdiction to be so severely impaired that they are unable to make their own decisions or exercise judgment on their own behalf, or is attending an institution of post-secondary education.
- D. "Parent" means parent, regardless of divorce or separation, a legal guardian, or individual acting as a parent or guardian provided that there shall be a presumption that a parent has the authority to exercise the rights inherent in the Act, unless there is evidence of a state law or court order governing such matters as divorce, separation, or custody or a legally binding instrument which provides to the contrary.

- E. "Record" means any information or data recorded in any medium including, but not limited to, handwriting, print, tapes, film, microfilm and microfiche, but excluding records of instructional, supervisory and administrative personnel which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.
- F. "School" means MSAD #30 and each school within the system.
- G. "Student" includes any individual with respect to whom MSAD #30 maintains education records.

### III. STUDENT RIGHTS

Whenever a student has attained eighteen years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter transfer to the eligible student.

### IV. LIMITATIONS ON WAIVERS

A parent of a student or an eligible student may waive any of his/her rights regarding confidentiality of educational records as set forth in this policy and in the Act, but such a waiver shall not be valid unless in writing and signed by the parent or student, as appropriate. The school may not require that a parent of a student, or a student, waive his/her rights.

A waiver under this section may be revoked with respect to any actions occurring after the revocation. A revocation under this paragraph must be in writing. If a parent of a student executes a waiver under this section, that waiver may be revoked by the student any time after he/she becomes an eligible student.

### V. FEES

The school shall provide copies of education records to parents of students or eligible students upon request. Such record shall be provided within a reasonable time, and before any meeting regarding an Individual Education Program or any due process hearing relating to the identification, evaluation, or placement of the student, and in no case more than forty-five (45) days after receiving a written request. The cost to the parent of the student/eligible student will be ten cents (\$0.10) per page copied, plus postage if mailing is required. However, this fee will not prohibit opportunity for access to the records if the parent or eligible student is unable to pay for such. There will be no charge to search for or to retrieve the education records of a student.

VI. ANNUAL NOTIFICATION OF RIGHTS

Each year parents of students or eligible students will be provided with a summary of their rights and informed of locations where copies of this policy statement may be obtained through any of the following means:

- A. Letter to each parent and/or eligible student within MSAD #30; or
- B. Publication of a policy summary in a school newspaper, newsletter, or handbook mailed to each parent/eligible student.

VII. INSPECTION AND REVIEW OF EDUCATION RECORDS

Parents of students/eligible students may review and inspect their educational records by the following procedure:

- A. The parent/eligible student must request in writing to review the records through the principal/head teacher at each individual school.
- B. The principal/head teacher shall meet with the parent/eligible student within ten (10) school days, but before any meeting regarding an Individualized Education Program or any due process hearing relating to the identification evaluation, or due process hearing relating to the placement of the student, to review the education records.
- C. The principal/head teacher will list the types and locations of all records, with titles and addresses of officials responsible for those records, and the names and addresses of non-school personnel who have received copies or reviewed the education records.
- D. The school may deny a request for access to or a copy of the student's record if there is reasonable doubt as to the legality of the parent/child relationship. Access will be withheld until a determination of legal right to access can be established.

VIII. DISCLOSURE OF EDUCATION RECORDS

- A. The school will not disclose any personally identifiable information from the education records of a student without the prior written consent of the parent or of the eligible student. The written consent shall include a specification of the records which may be disclosed, the purpose(s) of the disclosure(s), and the party or parties to whom the disclosure(s) may be made. Exceptions to this disclosure requirement are as follows:

1. Personally identifiable information may be disclosed without written consent if the disclosure is to:
  - a. State and local educational authorities, the Comptroller General, or the Secretary of the U.S. Department of Education (including those acting for the Secretary) in connection with the audit and evaluation of federal and state supported educational programs, and to state and local educational authorities as required by state statute.
  - b. School officials and teachers within MSAD #30 who have legitimate educational interests, provided that students in whom a teacher has a legitimate educational interest include only those students whom a teacher has in a class or in an extracurricular activity.
  - c. Officials of another school, school system, or institution of post-secondary education in which the student seeks or intends to enroll.
  - d. Institutions to which the student has applied for or has received financial aid if the information is necessary to determine the eligibility amount or conditions of the aid or to enforce the terms or conditions of the aid.
  - e. Organizations conducting studies for, or on behalf of, educational agencies or institutions, including studies to develop, validate, or administer predictive tests.
  - f. Accrediting organizations for the purpose of carrying out their accrediting functions.
  - g. Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.
  - h. Those as directed by a judicial order or lawfully issued subpoena, provided that reasonable effort is made to notify the parent of the student or eligible student of the order or subpoena prior to compliance herewith.
  - i. Appropriate parties in a health or safety emergency provided that knowledge of the information is necessary to protect the health or safety of the student or other individuals.

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2. MSAD #30 reserves the right to make public at its discretion personally identifiable information from the education records of a student if that information has been designated as directory information as that term is defined under paragraph B, Section II, unless the parent of the student or the eligible student informs the school in writing by July 1 for the upcoming year or within thirty (30) days after enrollment, whichever is later, that such personally identifiable information is not to be designated as directory information with respect to that student.
- B. All disclosures of information under this section will comply with regulations and guidelines provided by the Federal Government and the Maine Department of Education.
  - C. The school will maintain a record of disclosures of personally identifiable information from the education records of a student and will permit a parent/eligible student to inspect that record, except that such record shall not include disclosures to the parent of a student or an eligible student, disclosures pursuant to written consent, disclosures to school officials or disclosures of directory information.

IX. REQUEST TO AMEND EDUCATION RECORDS

- A. All parents of students/eligible students may seek correction of education records of the student through a request to amend the record. The school shall, within fifteen (15) days of receipt of the request, either amend the information in accordance with the parent's request or inform the parents of its refusal to amend the information and advise the parent of the opportunity for a hearing.
- B. The school shall decide whether to amend the record as requested within a reasonable time after the school receives the request.
- C. If the request is denied, the parent of the student/eligible student shall be entitled to a hearing, upon request. The hearing shall be held within thirty (30) days from the time the school receives the request, and the parent of the student/eligible student shall be given notice of the date, place, and time one (1) week in advance of the hearing. The superintendent/designee, who does not have a direct interest in the outcome of the hearing, shall conduct the hearing. The parent of the student/eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney. The school shall make its decision in writing within thirty (30) days after the conclusion

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of the hearing. The decision of the school shall be based solely upon evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

- D. If, as a result of the hearing, the school decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student/eligible student in writing.
  - E. If, as a result of the hearing, the school decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent/eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the school.
  - F. Any explanation placed in the education record of the student under the preceding paragraph shall be maintained by the school as part of the education records of the student as long as the record or contested portion is maintained by the school, and if the education records of the student or the contested portion is disclosed by the school to any party, the explanation shall also be disclosed to that party.
- X. LIMITATION OF DESTRUCTION OF EDUCATION RECORDS

The school may destroy parts of an education record of a student when they are no longer deemed useful, subject to the following exceptions:

- A. The school may not destroy any education record if there is any outstanding record to which it pertains is maintained.
- B. The record of access maintained shall be retained for as long as the education record to which it pertains is maintained.
- C. The school shall inform parents of exceptional students when education records are no longer needed to provide educational services to the student. The records shall be destroyed at the request of the parents and may be turned over to parents/eligible student upon their request.
- D. A permanent record of special education student's name, address, phone number, grades, attendance record, classes attended, and grade and year completed shall be maintained without time limitations.

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XI. COMPLAINT PROCEDURE

The Secretary of the United States Department of Education maintains an office that will investigate, process, and review complaints which may be filed concerning alleged violations of the provisions of the Act. Complaints regarding violations of rights accorded parents/eligible students may be submitted in writing to the following address:

The Family Educational Rights and Privacy Act Office (FERPA)  
Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

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CHILD IDENTIFICATION

MSAD #30 seeks to ensure that all children between the ages of three and 20 within its jurisdiction who are in need of special education and supportive services are identified, located and evaluated, whether those children live with their parents and attend MSAD #30 public schools, do not yet attend school, are tuitioned to schools in other units, receive home schooling, or are state wards, state agency clients or institutional as defined by Maine law.

MSAD #30 child identification procedure includes a unit-wide screening process offered at public expense to eligible students of school age to determine whether they may need referral to a Pupil Evaluation Team and special education.

The child identification procedure shall also include, in addition to information sent out regularly to parents in the school unit, written notification of the school unit's child identification obligations sent on at least an annual basis to the following agencies, entities, and persons:

- A. Private schools within the school unit;
- B. The local Child Development Services;
- C. Pediatricians and hospitals within the area;
- D. Head Start and pre-school facilities in the area;
- E. Home schooling parents within the unit; and
- F. Other agencies or persons serving children as deemed appropriate by the school.

That notification shall request the assistance of the entity notified in identifying any children who may be in need of special education. The notice shall list the name, address, and telephone number of the contact person with the school unit. The school unit shall also publish notification on at least an annual basis in the local newspaper serving the school unit.

This is written in accordance with Federal special education regulations under 34 C.F.R. subsection 300.220.

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Revised: \_\_\_\_\_

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PERSONNEL DEVELOPMENT

MSAD #30 shall endeavor to implement and use the Maine State Comprehensive System of Personnel Development as applicable to the local school unit. Toward that end, representatives of MSAD #30 shall participate in meetings scheduled by the Department of Education for the school unit to address its obligations under the Comprehensive System of Personnel Development. A school administrator shall be designated to receive and review material from the Department of Education regarding implementation and use of that Comprehensive System.

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NEPN/NSBA Code: IHBAE

PARENT INVOLVEMENT

MSAD #30 makes provision for the participation of, and consultation with, parents or guardians of disabled students in the school unit by providing them with their full legal rights under state and federal law to participate in the identification, evaluation, placement and programming decisions made by the Pupil Evaluation Team for their child. In addition, parent participation and consultation is provided in other ways, including:

- A. Availability of special education personnel and teachers to meet with parents at mutually convenient times to discuss the special education program and needs of their children.
- B. Attendance by special education personnel on a regular basis at meetings of local parent support groups, and parent-teacher conferences and other meetings as deemed appropriate to discuss special education issues faced by the school unit.

This is in accordance with Federal special education regulations under 34 C.F.R. subsection (To Ensure Parent Participation and Consultation).

NOTE: Parent participation need not be limited to these activities.

Adopted: AUGUST 4, 1992

Revised: \_\_\_\_\_

PROGRAMMING IN THE LEAST RESTRICTIVE ENVIRONMENT

The school unit recognizes its obligation under state and federal law to program for students with disabilities in the least restrictive educational environment. Toward that end, the school unit shall ensure that, to the maximum extent appropriate, students with disabilities are educated with children who are not disabled, and that special education, separate schooling or other removal of students with disabilities from the regular educational environment occurs only when 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.

All determinations regarding programming in the least restrictive environment shall be made by the student's pupil evaluation team (PET) and shall draw upon a multidisciplinary assessment of the student's needs. The school unit has available the full continuum of alternative placements when making placement determinations.

Determinations regarding least restrictive programming shall be made in the following manner:

- A. The PET shall first assess whether education in the regular classroom, with the use of supplementary aids and services, can be achieved satisfactorily. In making that determination, the PET shall assess each of the following factors:
  1. What supplementary aids and services may assist the student in obtaining a satisfactory education in the regular classroom.

Supplementary aids and services may include, but are not limited to, resource room services, itinerant services, assistive technology services, modifications of curriculum, use of teacher aides, and consultation services from special educators.

When assessing supplementary aids and services, the PET net not order placement in the regular classroom if it would require modification of the regular curriculum beyond recognition or would result in the student not having to learn any of the skills normally taught in that regular education curriculum.

2. A comparison of the benefits the student would receive in the regular education classroom with those that the student would receive in a more restrictive setting, such as a self-contained program.

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The assessment of benefits shall consider both academic and social benefits of participation in the placement at issue. The PET should also assess academic and social detriments for the student that may arise from the placement at issue.

In some circumstances, large social benefits of regular education may outweigh small academic benefits, just as large academic benefits of a more restrictive setting may outweigh small social benefits of a regular education placement.

3. What effect would placement of the student in the regular classroom have on other students in the classroom?

The PET need not place a student in the regular classroom when the student's behavior, even with supplementary aids and services, would be so disruptive that the education of other students is significantly impaired. Nor would the PET need to place the student in the regular classroom when the student would require so much of the teacher or the aide's time that the rest of the class suffers.

4. What the financial cost would be of the supplementary aids and services accompanying an appropriate placement in the regular classroom.

Placement in the regular classroom may not be rejected under this factor simply because it would be incrementally more expensive than placement in a more restrictive setting. Yet the school unit need not educate a student in the regular classroom if the cost of such a placement would significantly impact upon the education of other students. In most circumstances, the school unit need not place a student in the regular classroom if such placement requires that the student have his/her own full-time teacher.

- B. If the PET determines after assessing the above factors that the student is unable to be educated satisfactorily in the regular classroom with supplementary aids and services, the PET shall then determine the maximum extent of mainstreaming that the student may appropriately receive.

In making this determination, the PET shall consider the full continuum of alternative placements—such as placing the student in regular education for some academic classes and in special education for others, mainstreaming the child for nonacademic classes only, or providing interaction with nondisabled students during lunch and recess.

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In making placement determinations, the PET shall attempt to give preference to placements in the student's neighborhood school district. When the special services needed by the student are sufficiently specialized or expensive that they are provided by the school unit only in a school building other than the student's neighborhood school, the PET may place that student in the school where the specialized services exist, rather than replicate those services in the neighborhood school. This determination should not impact, in most circumstance, on the PET's determination regarding the extent to which the student is able to participate in regular education.

Placements in residential programs shall be made only when the PET determines that the student is not otherwise able to receive some educational benefit from a day program.

Adopted: \_\_\_\_\_

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NEPN/NSBA Code: IHBAH

INDIVIDUALIZED EDUCATION PROGRAM (I.E.P.)

Once an individual for whom MSAD #30 has educational responsibility is identified as a student with disabilities, the special education and supportive services deemed appropriate for that student shall be defined by the student's Pupil Evaluation Team (PET) in a written Individualized Education Program (IEP). The IEP shall be the basis for all educational programming and placement decisions for the student with disabilities. Each IEP shall be developed in accordance with the least restrictive educational alternative criteria set forth in Maine Special Education Regulation 9.2.

ADDENDUM

MSAD #30 has adopted Maine Special Education Regulations Chapter 101, sections 8.1-8.10, 9.1, 9.3, 9.10-9.11 and 10.3 for the procedures it will use in complying with 300.340-300.349 (Individualized Education Programs).

Adopted: MARCH 26, 1991

Revised: \_\_\_\_\_

## INDEPENDENT EDUCATIONAL EVALUATIONS

### “EVALUATION” DEFINED

Chapter 101 section 10.5 states that, “Before any action is taken with respect to the initial placement of a student with disabilities in a special education program, a full and individual evaluation of the child’s educational needs must be conducted.”

Section 2.5 defines the term “evaluation” as “procedures selectively used to determine whether a particular student is a student with disabilities and the nature and extent of the special education and supportive services needed by the student.”

In addition, section 8.19 requires that a “re-evaluation of each student who receives special education and supportive services shall be conducted every three years...” The purpose of such re-evaluation is to determine if the student continues to demonstrate the original exceptionality as identified by the PET.”

Thus, prior to placement of a student in special education, and once every three years following initial identification, the administrative unit is required to individually evaluate the child’s educational needs. The purpose of such evaluations is to determine whether a student is, or continues to be, a student with disabilities and the nature and extent of the special education and supportive services needed by the student.

### INDIVIDUAL EDUCATIONAL EVALUATIONS

Chapter 101, sections 8.2 and 10.5, provide parents of a student with disabilities, or a student referred to a PET for identifications, with the right to obtain an independent educational evaluation at public expense. Compliant with these provisions, it shall be the policy of MSAD #30 to provide at no cost to the parent an independent educational evaluation if the parent of a student disagrees with the results of a preplacement evaluation or three-year re-evaluation conducted or obtained by the administrative unit.

The administrative unit shall comply with parental requests for independent evaluations for up to six (6) months after the parent has received the results of the public agency’s evaluation.

When granting a parent’s request for an independent evaluation, parents will be allowed to select a person from a list of examiners qualified to appropriately evaluate the child’s needs. The following criteria will be used in developing such a list of examiners.

- A. All persons shall be appropriately qualified professionals as defined by section 16.3 of Chapter 101.

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- B. All persons in private practice under contract with the administrative unit who have not previously evaluated, instructed, or provided consultation regarding a particular student may be included (section 10.5).
- C. Only qualified professionals within Penobscot County, or those who are willing to commute to Penobscot County, shall be included.
- D. All qualified professionals' fees shall fall within the maximum allowable charges for specific tests. (Maximum allowable charges shall be established so that only unreasonable excessive fees shall be eliminated.)

When determining which qualified professional will conduct an independent evaluation, each parent shall be allowed the opportunity to demonstrate that unique circumstances justify the selection of an evaluator not on the developed list. In the event that a child's unique needs cannot be evaluated by persons on the list, an appropriate independent evaluation will be publicly funded.

#### REIMBURSEMENT FOR INDEPENDENT EVALUATIONS

Parents will not be entitled to reimbursement for independent evaluations obtained under the following circumstances:

- A. The evaluation was not initiated as a result of a disagreement with the administrative unit's evaluation;
- B. The evaluation was not initiated within the six- (6) month time line; and
- C. The evaluation was conducted by a person who is not an appropriately-qualified professional as defined by Chapter 101, section 16.3.

#### DENIAL OF REQUESTS FOR INDEPENDENT EVALUATIONS

If the administrative unit believes it has conducted an appropriate evaluation and that it should not have to fund an independent educational evaluation, the district shall initiate a due process hearing to demonstrate the appropriateness of the evaluation (Chapter 101, section 10.5D). If the administrative unit determines that an independent evaluation was conducted by a person who is not appropriately qualified or the cost of an independent evaluation exceeds maximum allowable charges, then the district shall initiate a due process hearing to deny reimbursement.

If the final decision of such a hearing is that the original evaluation is appropriate, an independent educational evaluation may be obtained, but not at the expense of the administrative unit. The unit shall provide to parents, on request, information about where such an independent educational evaluation may be obtained (Chapter 101, section 10.5E).

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#### USE OF INDEPENDENT EVALUATIONS

An independent educational evaluation shall be considered by the Pupil Evaluation Team in developing an Individualized Education Program for the student and may be presented as evidence at any due process hearing (Chapter 101, section 10.5F).

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NEPN/NSBA Code: IHBAJ

EXTENDED SCHOOL-YEAR SERVICES

Pupil Evaluation Team determinations to provide extended school-year services shall be made based on the likelihood that during school vacation periods a student is at risk of losing skills previously mastered and of being unable to recoup those skills within a reasonable time. In providing extended-year services, MSAD #30 shall provide special education and related services to address only those areas of an exceptional student's Individualized Education Program in which that risk exists.

NOTE: Parents and teachers may observe a student's skills and adjustments prior to and upon return from school vacations to develop data to assist in their determination. The PET determinations to provide special education beyond the normal school year will be made on an individual basis and shall be part of the student's IEP.

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M.S.A.D. #30

NEPN/NSBA Code: IHBAK

PROVISION OF SUPPORTIVE SERVICES TO STUDENTS WITH DISABILITIES

MSAD 30 recognizes that supportive services (OT, PT, etc.) may be necessary to enable the student with disabilities to benefit from special education services. Supportive services shall be an integral part of the educational objective(s) and shall be necessary in order for the student to benefit from public education.

MSAD #30 believes families bear primary responsibilities for those services which are of a medical nature, including therapeutic counseling.

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M.S.A.D. #30

NEPN/NSBA Code: IHBAL

USE OF THIRD PARTY FUNDING FOR SERVICES TO STUDENTS WITH DISABILITIES

MSAD #30 shall expect insurers, Medicaid, or other third party sources to meet valid obligations in the provision of or payment for special education services to a student with disabilities. When third party payees are utilized, MSAD #30 will pay any deductibles or related fees which may be incurred in order that these services are at no cost to the parent. Use of third party funding will be voluntary on the part of the parents.

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M.S.A.D. #30

NEPN/NSBA Code: IHBAM

COMMUNICATION OF PROCEDURAL SAFEGUARDS "PARENTAL RIGHTS"

MSAD #30 shall provide a written procedural safeguard statement containing the information set forth in Maine Special Education Regulation 10.11 with each written notification required by the Maine Special Education Regulations.

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M.S.A.D. #30

NEPN/NSBA Code: IHBG

HOME SCHOOLING (EQUIVALENT INSTRUCTION)

Requests to fulfill the compulsory school attendance law through equivalent instruction by home schooling shall be made by the parent to the Department of Education with a copy submitted to the superintendent. The superintendent may review such applications and may submit comment to the Department of Education within 30 days of receipt.

The board accepts no responsibility for the unit in the application, review and approval, or oversight of such home instruction programs. Participation by home-schooled pupils in the public school program shall only be permitted as described elsewhere in board policy.

The superintendent shall maintain a roster of all students eligible to attend school within the school unit who have been excused for equivalent instruction.

Legal Reference: TITLE 20A MRSA SEC. 5001-A.3  
BASIC SCHOOL APPROVAL REGULATIONS, CHAP 125.19, C  
RULES FOR EQUIVALENT INSTRUCTION THROUGH HOME  
INSTRUCTION, CHAP. 130

Cross Reference: IHBGA - HOME SCHOOLING—PARTICIPATION IN SCHOOL  
PROGRAMS

Adopted: AUGUST 25, 1992

Revised: MARCH 22, 1994; \_\_\_\_\_

M.S.A.D. #30

NEPN/NSBA Code: IHBGA

HOME SCHOOLING—PARTICIPATION IN SCHOOL PROGRAMS

The Board of Directors acknowledges the provisions for equivalent instruction under Maine law. It further recognizes the term “equivalent” is intended to mean “alternative” or “other” and is not intended to mean equal or same. The Board of Directors further desires to provide for the needs of all children whose parents reside within the boundaries of the school system and intends that services and resources of the school system be made available to equivalent instruction (home-schooled) students within the provisions outlined in this policy.

In order to maintain an efficient and orderly school program, the Board of Directors directs the administration to develop procedures, as appropriate, regarding the availability of school system resources and services in support of equivalent instruction programs that have been approved by the Commissioner of Education. The procedures shall be in accord with the following provisions.

REQUIRED PARTICIPATION

- A. Maine Educational Assessment: If a parent of a student in an equivalent instruction program decides to have the student participate in the Maine Educational Assessment (MEA), there must be compliance with all rules and procedures governing testing conditions in this public school district.
- B. Special Education Services: Such services will be available for eligible special education students in accordance with applicable laws and regulations.

PERMITTED PARTICIPATION

- A. Participation in Regular Classes: Home instruction students may enroll in specific classes provided the student’s attendance is regular, the student completes all assignments and tests as are required of other students in the class, the class is deemed to be age and grade appropriate, and all prerequisite requirements are met.
- B. Participation in Co-curricular Activities: Students may participate in co-curricular activities such as field trips, assemblies, and academically-related fairs provided prior written permission is obtained from both the parent and the principal, and that the student has agreed to abide by the same code of conduct as other participating students.

- C. Participation in Extra-curricular Activities: Students may participate in extra-curricular activities provided the student meets the same academic, physical examination, insurance and requirements as regularly-enrolled students. Documentation of requirements shall be

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- provided at the request of the principal. The student shall maintain the same code of behavior as other participating students, the student shall travel to and from events with the team, and the student is not enrolled in another school.
- D. Use of Facilities and Equipment: Home-schooled students may use school facilities and equipment on the same basis as regularly enrolled students provided the use does not disrupt regular school activities, the use has been approved by the school principal, the use will not create additional expense to the school system, the use is directly related to the school program, and the use does not involve removing furniture or equipment from the school premises. The use of facilities shall be under the direct supervision of the equivalent instructor.
- E. Use of School Texts and Library Materials: Home-schooled students may use school texts and library materials provided they are appropriate to the age and grade of the student, they are signed out for the same length of time as for other students, the use does not create additional cost to the school system, and the parent agrees to pay the school system for all lost or damaged texts and/or library materials.
- F. Lunch Program: If a home-schooled student is participating in co-curricular activity either just before or just after lunch, that student may participate in the hot lunch program under the same rules that apply to all other students.
- G. Transportation: Home-school students may ride the bus provided their transportation does not cause a change in the bus route nor cause additional cost to the district.

#### OTHER

- A. Annual Assessment of Academic Progress: The school system may allow inclusion of home schoolers in the annual standardized assessment programs, provided there is no interference with or disruption of the regular program, and that there is full compliance with all established testing conditions. Testing and grading will be done in cooperation with the district principal and the equivalent instructor.
- B. Readmission to the School Program: Placement of home-schooled students who wish to be readmitted will be determined by the school principal who shall consult with members of the professional staff to the extent appropriate. The principal may direct that a test or tests be administered to help determine grade level. The decision of the principal may be appealed to the superintendent whose decision will be final.

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- C. Grade Placement K-8 Students: For students in grades K-8, grade placement will be determined by a review of previous records and state approved home school plans. Plans and records will be reviewed by a team consisting of, but not limited to, principal, parent, and at least one teacher. Recommendations from the review team may include testing of some nature.
  
- D. Certificate of Promotion: Students of equivalent instruction programs who elect to attend promotional activities for the eighth grade at Mr. Jefferson Jr. High School will be presented a certificate of promotion provided by their equivalent instruction program or instructors.

Legal Reference:       TITLE 20A MRSA SEC. 5001-A(3)(A)  
                              BASIC SCHOOL APPROVAL REG., CHAP. 125.1

Adopted:       AUGUST 25, 1992

Revised:       MARCH 22, 1994; \_\_\_\_\_

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\*MSMA SAMPLE POLICY\*

NEPN/NSBA Code: IHCDA

POST-SECONDARY OPTIONS/CURRENT ENROLLMENT

The intent of this policy is to set the requirements for student participation and the allowable costs for post-secondary level courses taken before high school graduation. Upon the recommendation of the high school principal and the school counselor, any junior or senior student may enroll in certain courses at post-secondary institutions. In addition, any other student may enroll if permitted by the school. High school credit will be given to any student who satisfactorily completes a course with a minimal grade "C". **PRIOR APPROVAL FOR CREDIT MUST HAVE BEEN ARRANGED WITH THE HIGH SCHOOL PRINCIPAL AND THE SCHOOL COUNSELOR.** In addition to and/or in lieu of high school credit, such students could acquire college credit, if this is agreeable with the college officials and payment of fee is made. In exceptional cases, 9th and 10th graders may be approved for college courses. The student must have a recommendation from a teacher and approval from a counselor and principal.

Students may earn credits towards graduation by taking courses from public two-year and four-year post-secondary institutions such as the University of Maine system or the Vocational Technical Colleges.

To be eligible for this option, students must meet the following criteria:

- A. Meet the admissions standards for the post-secondary school;
- B. Maintain at least a B average in his/her courses overall;
- C. May not be enrolled in more than six (6) courses at school;
- D. Meet with a guidance counselor and draw up a plan to show how the course will meet graduation requirements; and
- E. Provide evidence of parent/guardian approval.

Graduation credits for courses taken under this option will be determined as follows:

- A. The course must meet for one semester or its equivalent;
- B. The student must earn a passing grade; and

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- C. Graduation credits awarded may not exceed one-half credit for each three-credit semester course.

The following attendance policy will govern student participation in any post-secondary course work:

- A. Attendance must satisfy the instructor's requirements;
- B. The post-secondary school will take attendance and report to the high school.

Financial assistance will be provided under the following circumstances:

- A. The school administrative unit will pay tuition costs for all students participating in this program if the eligible institution requires tuition payment.
- B. If the parents/guardians income level qualifies the student for free or reduced lunch, the administrative unit will pay for the cost of tuition, textbooks, course fees, and transportation.

The superintendent will ensure that all reporting procedures required under the Post-Secondary Enrollment Options Act are followed and review such reports with the board.

Legal Reference: TITLE 20A MRSA, SEC. 4751 ET SEQ.

Cross Reference: LEB - ADVANCED COLLEGE PLACEMENT

Adopted: \_\_\_\_\_

INSTRUCTIONAL AND LIBRARY MATERIALS SELECTION

Objectives of Selection

The board recognizes that it is the primary objective of the library media centers and the instructional program in our schools to implement, enrich and support the education programs of the schools. It is the duty of the library media centers and the instructional program to provide a wide range of materials on all levels of difficulty, with diversity of appeal and the presentation of different points of view.

To this end, the board asserts that the responsibility of the School Library Media Center and the instructional program is:

- A. To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
- B. To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;
- C. To provide a background of information which will enable students to make intelligent judgments in their daily lives;
- D. To provide materials on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical analysis of all media;
- E. To provide materials representative of the many religious, ethnic and cultural groups and their contributions to our American heritage; and
- F. To place principle above personal opinion and reason above prejudice in selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library media center and a variety of resources to be used in the instructional program.

In addition, the board recognizes that the final authority as to what materials an individual student will be exposed rests with that student's parents or guardians. However, at no time will the wishes of one child's parents to restrict his/her reading or viewing of a particular item infringe on other parents' rights to permit their children to read or view the same material.

### Responsibility for Selection of Instructional and Library Materials

The board is legally responsible for all matters relating to the operation of the schools. The responsibility for the selection of instructional materials is delegated to the professionally trained personnel employed by the board.

Selection of materials for the library media centers and the instructional program involves many people: principals, teachers, department heads, students and community members. The responsibility for the coordination of the selection of library and instructional materials and the recommendation for purchase rests with professionally trained personnel. The school board is responsible to approve a uniform system of textbooks.

### Criteria for Selection

The needs of the individual school, based on knowledge of the curriculum and of the existing collection, are given first consideration.

Materials for purchase are considered on the following bases: overall purpose, timeliness or permanence, importance of the subject matter, quality of the writing/production, readability and popular appeal, authoritativeness, reputation of the publisher/producer, reputation and significance of the author/artist/composer/producer, etc., and format and price.

Gift materials are judged by the same standards and are accepted or rejected by those standards. Multiple copies of outstanding and much-in-demand materials are purchased as needed. Worn or missing standard items are replaced periodically. Out- of-date or no-longer-useful materials are withdrawn from the collection/circulation.

### Procedures for Selection

In selecting the materials for purchase, the professional personnel evaluate the existing collection, consulting reputable, unbiased, professionally prepared selection aids and specialists from all departments and/or all grade levels.

Whenever possible, purchase of non-print materials shall be done only after personal evaluation by the librarian/media specialist and/or other appropriate staff. Reviewing aids may be used in lieu of personal evaluation.

The superintendent shall select textbooks, supplies and apparatus with the approval of the school board and shall make all these purchases under rules adopted by the school board.

Challenged Materials

Despite the care taken to select materials for student and teacher use and the qualifications of the persons who select the materials, it is recognized that occasional objections may be raised by community members, students, or school staff.

In the event a complaint is made, the following procedures will apply:

- A. The complaint shall be heard first by the person providing the materials in question.
- B. The complainant shall be referred to the building principal and requested to fill out the "Request for Reconsideration of Materials" form. A copy of the form will be forwarded to the superintendent.
- C. If the principal cannot informally resolve the concern, the superintendent shall appoint a committee composed of the following persons to review the complaint: one principal at the appropriate grade level; one librarian/media specialist; one classroom teacher; the department head in the subject area of the challenged materials, if applicable; and one community member.
- D. The review committee shall: read and examine the materials referred to them; check general acceptance of materials by reading reviews; weigh values and faults against each other and form opinions based on the material as a whole and not on passages or portions pulled out of context; meet to discuss the material and to prepare a written report on it.
- E. The report of the committee shall be forwarded to the superintendent who will inform the complainant of the results.
- F. Unless authorized by the superintendent to do so, no materials shall be removed from use until the review committee has made a final decision.
- G. The review committee's decision may be appealed to the board. The board may set aside a portion of a regular meeting or call a special meeting for the purpose of receiving testimony from representatives of the various points of view. The material in question shall be:
  1. Reviewed objectively and in its full content;
  2. Evaluated in terms of the needs and interest of students, school, curriculum and community;

3. Considered in the light of differing opinions; and
4. Reviewed in light of the criteria for initial selection and purpose as provided herein.

The board will announce its decision in writing not later than the conclusion of the next regular meeting of the board following its receipt of said testimony.

Legal Reference: TITLE 20A MRSA SEC. 1001 (10-A); 1055 (4); 4002  
ME DEPT OF ED RULE CHAP. 125.22

Adopted: SEPTEMBER 27, 1983

Revised: MARCH 22, 1994; \_\_\_\_\_

NEPN/NSBA Code: IJJ-E

CITIZEN'S CHALLENGE OF EDUCATIONAL MEDIA FORM

Author \_\_\_\_\_ Hardcover \_\_\_\_\_ Paperback \_\_\_\_\_

Title \_\_\_\_\_

Publisher (if known) \_\_\_\_\_

Request initiated by \_\_\_\_\_

Telephone \_\_\_\_\_ Address \_\_\_\_\_ Town \_\_\_\_\_

Complainant represents:        \_\_\_ Him/herself  
    \_\_\_ Organization \_\_\_\_\_  
    \_\_\_ Other group \_\_\_\_\_

1. To what in the book do you object? (Please be specific, cite pages)  
\_\_\_\_\_  
\_\_\_\_\_
2. What do you feel might be the result of reading this book?  
\_\_\_\_\_  
\_\_\_\_\_
3. For what age group would you recommend this book? \_\_\_\_\_
4. Is there anything good about this book? \_\_\_\_\_
5. Did you read the entire book? \_\_\_ If not, what parts? \_\_\_\_\_  
\_\_\_\_\_
6. Are you aware of the judgment of this book by literary critics? \_\_\_\_\_
7. What do you believe is the theme of this book?  
\_\_\_\_\_
8. What would you like the school to do about this book?  
\_\_\_ Do not assign it to students.  
\_\_\_ Withdraw it from all patrons of the library.  
\_\_\_ Refer it to the Educational Media Review Committee for evaluation.
9. In its place, what book of equal literary quality would you recommend that would convey as valuable a picture and perspective of our civilization?  
\_\_\_\_\_  
\_\_\_\_\_

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Signature of Complainant

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Date

\*MSMA SAMPLE POLICY\*

NEPN/NSBA Code: IKB

### HOMEWORK

Numerous studies show that the amount of time students spend on learning a skill directly affects their ability to master it.

The board believes that there are several reasons for assigning homework:

- A. Homework helps students learn better and faster. Research shows that many successful teachers assign meaningful homework. By asking students to spend some of their out-of-class time working on a specific skill or subject, teachers make it possible to spend class time teaching students even more.
- B. Homework helps families become involved with education. We know that for schools to do the best possible job educating each student, parents and schools must work together. Homework is one way parents can make a meaningful contribution to helping their sons and daughters achieve. When students see that their parents think education is important, their performance improves.
- C. Homework communicates the high expectations that schools hold for their students. The best schools have confidence that their students can and will achieve. Assigning meaningful homework is one way of letting students develop confidence in their own abilities.
- D. Homework helps students develop self-discipline and organizational skills. Through homework, students learn how to manage their time. They learn the importance of setting goals and working to achieve them. They learn to be responsible for their own achievements. All these skills will help them continue to be successful throughout their lives.

The amount of homework assigned should be gradually increased from grade to grade. As a child advances through school, it is reasonable to expect that the amount of homework can be increased, using the following guidelines:

Kindergarten: No homework;

Grades 1-4: A few minutes in grade 1 to a maximum of 60 minutes in grade 4 for all subjects combined;

Grades 5-8: A maximum of two hours per night for all subjects combined; and

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Grades 9-12: A maximum of three hours per night for all subjects combined.

Legal Reference: ME DEPT OF ED RULE CHAP. 125.23, B, 5, 1

Adopted: \_\_\_\_\_

PROMOTION, RETENTION AND ACCELERATION OF STUDENTS

It is the intention of MSAD #30 to offer appropriate instruction to all students in a progressive and sequential way. Therefore, the grade placement of each student will be made on an individual basis, understanding that the level of instruction at each grade is not a single level of instruction but rather a series of levels intending to meet the various needs of students assigned to that grade level.

Insofar as possible, retention will be decided through conferences involving the principal/head teachers, teachers and parents. The guidance counselor and school consultant will enter into the conference if and when necessary. Parents will be notified as early as possible that retention is being considered, and except in very unusual circumstances, no later than March 15. The principal/head teacher/parent shall be responsible for making the final decision as to retention and assignment. If parents or staff feel retention is not in the best interest of the student, they may require the proponent of retention to demonstrate the need and/or benefits of such retention to the superintendent, and upon appeal, to the board of directors. Decisions of special education students will be made through the Pupil Evaluation Team process.

The following criteria shall be utilized in making decisions concerning promotion and retention.

- a. student achievement;
- b. academic potential;
- c. attendance;
- d. health;
- e. maturity;
- f. physical size;
- g. age in relation to grade placement;
- h. student attitude;
- I. parent attitude;
- j. out-of-school influences; and
- k. program options.

Retention should take place as early in the student's career as possible. Only in unusual circumstances should a child be retained more than once in his/her school career.

Legal Reference: ME DEPT OF ED RULE CHAP. 125.23, B, 5, 1

Adopted: OCTOBER 16, 1990

Revised: \_\_\_\_\_

GRADUATION REQUIREMENTS

As a minimum for graduation from high school, the prospective graduate must have completed successfully a total of \_\_\_\_ one year course equivalents (credits) at the secondary level (grades 9 through 12).

Twelve and one-half (12 1/2) required credits are specified by the State of Maine. They are:

- A. English - 4 credits;
- B. Social Studies and History, including one year of American History and Government - 2 credits;
- C. Mathematics - 2 credits;
- D. Science, including at least one year of laboratory study - 2 credits;
- E. Fine arts, which may include art, music, forensics or drama - 1 credit;
- F. Health - 1/2 credit; and
- G. Physical Education - 1 credit.

In addition, this Cooperative Board requires the following:

The remaining credits may be selected by the student based upon the student's interests, abilities, and the requirements of the field that the student plans to enter upon graduation.

Students must also demonstrate a knowledge of computer skills according to this local unit's standards for computer literacy, proficiency, and performance.

In order for a student to participate in graduation, the student must have successfully completed all of the above-listed requirements.

A student who is deficient in the above-listed requirements may meet those requirements through a post-graduate course, a state-approved Adult Education course(s), a state-approved summer school program, or a correspondence course approved by the principal in advance of

registration. The student may participate in the next regular graduation ceremony following successful completion of the requirements.

Students who have accepted an early admission at the collegiate level may graduate with their class if they so inform the high school principal at the time of their acceptance into the early admissions program.

Legal Reference: TITLE 20A MRSA, SEC. 4722  
DEPT OF ED REG CHAP. 127.11, C; 127.12

Cross Reference: IKFA - EARLY GRADUATION

Adopted: \_\_\_\_\_

TESTS/ASSESSMENT

Assessment shall be carried out to provide information on student abilities, achievements and educational needs.

Testing shall be designed as integral parts of the needs assessment and evaluation programs. Tests shall be utilized primarily for furnishing needed information to decision makers, including the board, administrators, teachers, parents, and students. The needs of these various users shall be clearly identified, and the testing program shall be limited to obtaining that information which is necessary and useful.

There shall be broad-based involvement in the development of testing programs. Concerted effort shall be made to see that testing contributes to the learning process rather than detracts from it. Efforts shall be made to select non-biased/culture-fair tests to attain greatest accuracy. Learning goals and objectives shall provide the guidelines for determining tests to be utilized.

The school system shall participate in the statewide assessment of student progress as required by Maine State law and applicable rules of the Commissioner.

The superintendent shall promulgate administration regulations to implement this policy which will identify the standardized evaluation instruments and the procedures to be used.

Legal Reference:       TITLE 20A MRSA SEC. 6201  
                              BASIC SCHOOL APPROVAL RULES, CHAP. 125.15, B

Adopted:       MARCH 22, 1994

Revised:       \_\_\_\_\_