

Board Policy Document

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## **EDUCATIONAL PROGRAMS**

### ***Series 600***

**Policy Title: Special Education**

**Code Number: AR602.5**

#### **Special Education**

It shall be the responsibility of the Superintendent and the Area Education Agency Director of Special Education to provide or make provision for appropriate special education programs. While the Superintendent shall be custodian of school records, the building Principal shall be responsible for maintaining the records of the student identified as in need of special education. These records may be viewed by authorized school personnel and in accordance with the requirement of Board policy. Policies and procedures shall be filed at the Area Education Agency.

#### **Special Education Procedures**

Special education procedures include utilization of the document Special Education—Policies and Procedures Handbook, Western Hills AEA 12, and future revision of said document.

#### **Special Health Services**

Some students who require special education need special health services in order to participate in the educational program. These students shall receive special health services in accordance with their individualized educational program.

##### **A. Definitions**

"Assignment and delegation"—occurs when licensed health personnel, in collaboration with the education team, determine the special health

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services to be provided and the qualifications of individuals performing the health services. Primary consideration is given to the recommendation of the licensed health personnel. Each designation considers the student's special health service. The rationale for the designation is documented. If the designation decision of the team differs from the licensed health professional, team members may file a dissenting opinion.

"Co-administration"—the eligible student's participation in the planning, management and implementation of the student's special health service and demonstration of proficiency to licensed health personnel.

"Educational program"—includes all school curricular programs and activities both on and off school grounds.

"Education team"—may include the eligible student, the student's parent, administrator, teacher, licensed health personnel, and others involved in the student's educational program.

"Health assessment"—health data collection, observation, analysis, and interpretation relating to the eligible student's educational program.

"Health instruction"—education by licensed health personnel to prepare qualified designated personnel to deliver and perform special health services contained in the eligible student's health plan. Documentation of education and periodic updates shall be on file at school.

"Individual health plan"—the confidential, written, preplanned and ongoing special health service in the educational program. It includes assessment, planning, implementation, documentation, evaluation and a plan for emergencies. The plan is updated as needed and at least annually. Licensed health personnel develop this written plan with the education team.

"Licensed health personnel"— includes licensed registered nurse, licensed physician, and other licensed health personnel legally authorized to provide special health services and medications.

"Prescriber"—licensed health personnel legally authorized to prescribe special health services and medications.

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"Qualified designated personnel"— persons instructed, supervised and competent in implementing the eligible student's health plan.

SPECIAL HEALTH SERVICES REGULATION

"Special health services" - includes, but is not limited to, services for eligible students whose health status (stable or unstable) requires:

- Interpretation or intervention,
- Administration of health procedures and health care, or
- Use of a health device to compensate for the reduction or loss of a body function.

"Supervision"—the assessment, delegation, evaluation and documentation of special health services by licensed health personnel. Levels of supervision include situations in which licensed health personnel are:

- physically present
- available at the same site
- available on call

B. Licensed health personnel shall provide special health services under the auspices of the school. Duties of the licensed personnel include the duty to:

- Participate as a member of the education team.
- Provide the health assessment.
- Plan, implement and evaluate the written individual health plan.
- Plan, implement and evaluate special emergency health services.
- Serve as liaison and encourage participation and communication with health service agencies and individuals providing health care.
- Provide health consultation, counseling and instruction with the eligible student, the student's parent and the staff in cooperation and conjunction with the prescriber.
- Maintain a record of special health services. The documentation includes the eligible student's name, special health service, prescriber or person authorizing, date and time, signature and title of the person providing the special health service and any unusual circumstances in the provision of such services.
- Report unusual circumstances to the parent, school administration, and prescriber.

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- Assign and delegate to, instruct, provide technical assistance and supervise qualified designated personnel.
  - Update knowledge and skills to meet special health service needs.
- C. Prior to the provision of special health services the following shall be on file:
- Written statement by the prescriber detailing the specific method and schedule of the special health service, when indicated.
  - Written statement by the student's parent requesting the provision of the special health service.
  - Written report of the preplanning staffing or meeting of the education team.
  - Written individual health plan available in the health record and integrated into the IEP or IFSP.

SPECIAL HEALTH SERVICES REGULATION

- D. Licensed health personnel, in collaboration with the education team, shall determine the special health services to be provided and the qualifications of individuals performing the special health services. The documented rationale shall include the following:
- Analysis and interpretation of the special health service needs, health status stability, complexity of the service, predictability of the service outcome and risk of improperly performed service.
  - Determination that the special health service, task, procedure or function is part of the person's job description.
  - Determination of the assignment and delegation based on the student's needs.
  - Review of the designated person's competency.
  - Determination of initial and ongoing level of supervision required to ensure quality services.
- E. Licensed health personnel shall supervise the special health services, define the level of supervision and document the supervision.
- F. Licensed health personnel shall instruct qualified designated personnel to deliver and perform special health services contained in the eligible

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individual health plan. Documentation of instruction and periodic updates shall be on file at school.

- G. Parents shall provide the usual equipment, supplies and necessary maintenance for such. The equipment shall be stored in a secure area. The personnel responsible for the equipment shall be designated in the individual health plan. The individual health plan shall designate the role of the school, parents, and others in the provision, supply, storage and maintenance of necessary equipment.

**Transition from Part H to Part B Services**

Children below the age of three years who are receiving early intervention services as outlined in Part H of the Individuals with Disabilities Education Act (IDEA) shall have an Individualized Family Services Plan (IFSP). At least 90 days before the child's third birthday, transition shall be included as part of IFSP development.

In response to IAC 282—41.75(256B, 34CFR300.303) Transition from Part H to Part B, the Sioux City Community School District has established the following procedures to ensure a smooth transition for children who will be exiting the Part H system and are eligible for continued participation in early childhood special education under 20 USC, Chapter 33, sub-chapter II, (Part B).

At least 90 days prior to the qualifying child's third birthday, the Part H service coordinator shall address any issues related to transition including:

1. The development of a transition plan, and
2. Notification to the appropriate local education agency (LEA) in which the child resides.

Prior to the child's third birthday or the date on which the child is eligible for the early childhood program under Part B, the AEA and LEA will meet with the family and other relevant agencies for the purpose of:

1. Reviewing the child's program options for the period from the child's third birthday through the remainder of the school year (this may include consideration for extended year special education), and

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2. Assurance that an individualized Education Program is developed for those children continuing to be eligible for special education services.

The IFSP shall support the transition of the child to preschool services under Part B of the Act to the extent that those services are considered appropriate, or other services that may be available, if appropriate.

Steps required shall include:

- Conducting discussions with, and training of, parents regarding future placements and other matters related to the child's transition;
- Establishing procedures to prepare the child for changes in services delivery, including steps to help the child adjust to, and function in, a new setting; and
- With parental consent, transmitting information about the child to the local education agency to ensure continuity of services, including evaluation and assessment information and copies of the IFSPs that have been developed and implemented in accordance with Part H regulations.

The IFSP shall clearly state:

- The services that are to be provided
- Actions that are to be provided by the service coordinator in initiating those services; and what actions will be taken by the parents.

### **Confidentiality of Personally Identifiable Information**

Student records shall be maintained by the records custodian and housed within the student's attendance center. The records custodian shall assume responsibility for ensuring the confidentiality of any personally identifiable information. The District personnel who collect or use personally identifiable information shall receive training or instruction regarding confidentiality of personally identifiable information.

### **Record of Access**

### **Use of Student Records Regulation**

Student records are all official records, files, and data directly related to students, including all material incorporated into each student's cumulative record folder

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and intended for school use or to be available to parties outside the school or school system specifically including, but not necessarily limited to: dates of attendance; academic work completed; level of achievement (grades, standardized test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns.

The intent of this regulation is to establish procedures for granting requests from parents for access to their child's records, use of the data, and procedures for its transmittal within forty-five calendar days.

A. Access to Records

1. The parent or legal guardian of a student will have access to these records upon written request to the board secretary.

The parent or legal guardian will, upon written request to the board secretary, have the opportunity to receive an interpretation of the records, have the right to question the data, and, if a difference of opinion is noted, shall be permitted to file a letter in the cumulative folder stating the dissenting person's position. If further challenge is made to the record, the normal appeal procedures established by school policy will be followed.

A student, eighteen years or older, has the right to determine who, outside the school system, has access to the records. Parents of students who are 18 years or older but still dependents for income tax purposes may access the student's records without prior permission of the student.

2. School officials having access to student records are defined as having a legitimate educational interest. A school official is a person employed by the school district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school district has contracted to perform a special task (such as an attorney, auditor, AEA employee, medical consultant, or therapist); or a parent or student serving on an official committee, such as

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disciplinary or grievance committee or student assistance team, or assisting another school official in performing his or her tasks.

B. Release of Information Outside the School

1. To release student records to other school(s) in which the student intends to enroll, the parents, legal guardian, or eligible student must be notified of the transfer and the kinds of information being released unless the school district annually notifies parents that the records will be sent automatically.
2. Student records may be released to official education and other government agencies only if allowed by state or federal law.
3. To release student records to other persons or agencies, written consent shall be given by the parent, legal guardian, or a student of majority age. This consent form will state which records shall be released, to whom they shall be released, and the reason for the release. A copy of the specific records being released will be made available to the person signing the release form if requested.
4. Before furnishing student records in compliance with judicial orders or pursuant to any lawfully issued subpoena, the school district will make a reasonable attempt to notify the parents, legal guardian, or eligible student in advance.
5. Student records may be shared with juvenile justice agencies with which the school district has an interagency agreement. This information is shared without prior parental consent. The agreement is a public document available for inspection.

Hearing Procedures

1. Upon parental request, the school district will hold a hearing regarding the content of a student's records, which the parent believes to be inaccurate, misleading, or in violation of the privacy rights of students.
2. The hearing will be held within a reasonable time after receipt of the parent or eligible student's request. The parent or eligible student

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will receive reasonable advance notice of date, time and place of the hearing.

3. The hearing officer may be an employee of the school district so long as the employee does not have a direct interest in the outcome of the hearing.
4. The parents or eligible student will be given a full and fair opportunity to present evidence relevant to the issues. The parent or eligible student may be represented by an individual at their choice at their own expense.
5. The hearing officer will render a written decision within a reasonable period after the hearing. The decision will be based upon evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.
6. The parents may appeal the hearing officer's decision to the superintendent within three days if the superintendent does not have a direct interest in the outcome of the hearing.
7. The parents may appeal the superintendent's decision, or the hearing officer's decision if the superintendent was unable to hear the appeal, to the board within ten days. It is within the discretion of the board to hear the appeal.