

### **Referral/Pre-Referral Procedures**

Fayette School Department shall refer to the IEP Team all school-age students suspected of having a disability that requires special education and related services. Referrals to the IEP Team may be made by a child's parent, by professional school staff, or by others with knowledge of the child. Referrals should be made and processed consistent with these procedures.

Referrals by parents. A parent may refer his or her child to the IEP Team at any time. That referral shall be made in writing directly to the office of the Director of Special Education. Should the parent seek to make a referral through other professional staff (such as teachers, guidance counselors, or administrators), that professional staff member shall directly assist the Family in making the referral in writing to the office of the Director of Special Education. Should a parent attempt to make a referral orally, professional staff shall assist the parent in reducing that referral to writing and submitting it to the office of the Director of Special Education.

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

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

Professional school staff shall prepare a referral in writing and shall submit that referral directly to the office of the Director of Special Education.

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

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

Receipt of Referral. Regardless of the source of the referral, a referral is received by the school unit on the date that the written referral is received by the office of the Director of Special Education. It shall be signed and dated by Special Education Director or designee, thereby indicating the date of the receipt of that referral.

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

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

The local unit shall implement the IEP as soon as possible following the IEP Team meeting when the child is found eligible, but no later than 21 school days after that meeting.

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

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

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

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

## Pre-Referral Procedures

Professional school staff members who observe that a student is encountering academic or functional difficulties in school that interfere with the student's education shall document those specific difficulties through a Pre-Referral process.

Students who are failing or are at risk for failing to meet goals for their grade shall receive interventions that are designed to narrow the gap between the goals set for the grade level of the child and the child's performance. Interventions must be scientifically based and appropriate for the student's age and skill levels. These interventions are implemented as developed and are modified on the basis of curriculum-based measurement, progress monitoring data, or time sampling of behaviors. The school's Student Assistance Team (SAT) shall develop an intervention plan for students who are failing or at risk for failing using scientifically based interventions and measurement systems.

If, after describing the problem, initiating an intervention, and collecting appropriate data for six data points over approximately, but no more than 30 days, the child shows no significant change in performance, intervention strategies must be modified. If the data indicate resistance to two consecutive data-driven intervention strategies, over 60 days, the pre-referral team should meet to determine further intervention modifications and whether a referral should be made simultaneously to the IEP Team.

If the intervention strategies have not been effective, or if the interventions are demonstrated to be effective but require continued and substantial effort that may include the provision of special education and related services, the staff member shall refer the child to the IEP consistent with the procedures set forth above.

The local unit shall notify parents 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 of pre-referral interventions should 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 IEP Team if they suspect that their child may need special education services. The local 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 IEP team, but the local unit shall not reject or delay the referral until the completion of the intervention strategies.

All notes from the pre-referral process, and if relevant, team meetings, and all the data collection procedures that may have been developed through this process shall be considered by the IEP Team and shall become part of the child's special education file. For children who do not qualify for special education services, all pre-referral documents are kept in the child's cumulative folder for future reference and for ongoing educational planning.

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

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

**References:** Me. Dep't of Educ. Reg. ch. 101, §§ II(23), III, IV(2)(D), (E), V(4)(A) (August 2007).

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