

Referral/Pre-referral and Use of General Interventions - Administrative Procedures

Referral Procedures

The Fiddlehead School 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/legal guardian, 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 principal (or designee). Should the parent/legal guardian 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 principal (or designee). Should a parent/legal guardian attempt to make a referral orally, professional staff shall assist the parent/legal guardian in reducing that referral to writing and submitting it to the principal (or designee).

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

Referrals by staff. Any professional employee of the school may refer a child to the IEP Team regardless of the results of initial child find activities, but only after completion of any general education interventions process used by the school. The school may move directly forward with the referral process in those circumstances where the school and parent/legal guardian agree to do so. Even in that situation, however, general education interventions will continue during the referral process. Professional school staff shall prepare a referral in writing and shall submit that referral directly to the principal.

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 general education interventions process used by the school. The school may move directly forward with the referral process in those circumstances where the school and parent/legal guardian agree to do so. Even in that situation, however, general education 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 principal (or designee).

Receipt of Referral. Regardless of the source of the referral, a referral is received by the school on the date that the written referral is received by the principal (or designee). It shall be signed and dated, thereby indicating the date of the receipt of that referral.

Time Line for Processing Referral. Once the referral has been received by the principal (or designee), 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 school must send a consent to evaluate form to the parent/legal guardian within 15 school days of receipt of the referral. Also, upon receipt of the referral (from any source), the school shall send the parent/legal guardian its *Written Notice* form documenting that referral.

Once the principal (or designee) receives the signed consent for evaluation back from the parent/legal guardian, the school 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 IEP 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 school shall implement the IEP as soon as possible following the IEP Team meeting when the child is found eligible, but no later than 30 calendar 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 from another school unit within, or from outside of, Maine shall on enrollment and in consultation with the parent/legal guardian be provided with FAPE (Free and Appropriate Public Education - including services comparable to those described in the child's IEP from the previous school unit) until the school either adopts the child's IEP from the previous unit or 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/legal guardian or the school, the school should develop a new IEP through appropriate procedures after the student enrolls at the school.

Pre-Referral / General Intervention 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 general education interventions 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 appropriate for the student's age and skill levels. These general education 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 shall develop an intervention plan for students who are failing or at risk for failing using general education 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 Team consistent with the procedures set forth above.

The school shall notify the parent/legal guardian whenever the 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 general education interventions should include copies of the completed checklists and shall request that the parent/legal guardian contact the staff member who has completed the documents. That notification shall also inform the parent/legal guardian that they have a right to refer the child directly to the IEP Team if they suspect the child may need special education services. The school may advise the parent/legal guardian 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 school shall not reject or delay the referral until the completion of the intervention strategies.

All notes from the general education interventions 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 general education interventions documents are kept in the child's cumulative folder for future reference and for ongoing educational planning.

The general education interventions developed through this general education interventions process shall be 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/legal guardian concerns regarding successful implementation of these pre-referral procedures, and the failure to use this general education interventions process may not be used in special education due process proceedings to establish that the school has failed to meet its child find or referral obligations.

Legal References:

Maine Dept of Education, Ch. 101, MUSER § II (23), III, IV(2)(D), (E), V(4)(A), (G)

Adopted: July 17, 2013

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