

**WASHINGTON STATE CENTER FOR
CHILDHOOD DEAFNESS & HEARING LOSS**
Board of Trustees Packet
March 6, 2015

- Agenda
- Updated Board of Trustees listing
- 2014/2015 School Calendar

AGENDA ITEMS

- Board Minutes
 - February 6, 2015
- Reports:
 - Board Finance Committee
 - Director - Rick Huan
 - Superintendent - Jane Mulholland
 - Outreach - Kris Ching, Carol Carrothers
- Policy Review
 - 2nd reading
 - Ethical Conduct (5241)
 - 3rd reading
 - Affirmative Action and Equal Employment Opportunity (5220)
 - Nutrition and Physical Fitness (6701)
 - Revoke
 - Frequent Flyer Miles (6600)

INFORMATIONAL ITEMS

- Enrollment Data
- Special Education and Special Services for Eligible Students (Procedure 2161P)

**WASHINGTON STATE CENTER FOR
CHILDHOOD DEAFNESS & HEARING LOSS
Board of Trustees Meeting
March 6, 2015**

- 8:30 a.m. Board Finance Committee meets (Executive Director's office)
Nita Kamphuis, Larry Swift, Rita Reandeau, Maria
Christianson, Rick Hauan, Jane Mulholland, Jessica Sydnor,
Bonnie Terada
- 9:30 a.m. Call meeting to order and determination of a quorum
Approval of February 6, 2015, minutes
- 9:45 a.m. Finance Committee Report
Questions regarding administrative reports in the Board packet
- 10:15 a.m. Deaf Academic Bowl (DAB) Team
• Tyler DeShaw, Academic Bowl Coach
- 10:45 a.m. Break
- 11:00 a.m. Accreditation Update
• Shauna Bilyeu, Elementary Principal & Related Services
- 12:00 noon Lunch
- 12:30 p.m. National Association of the Deaf visit, Presentation at Department
of Health
• April McArthur, Bilingual Services Director
- 1:00 p.m. Strategic Plan Discussion continued
- 1:45 p.m. Policies
• 2nd reading
○ Ethical Conduct (Policy 5241)
• 3rd reading
○ Affirmative Action and Equal Employment
Opportunity (Policy 5220)
○ Nutrition and Physical Fitness (Policy 6701)
• Revoke
○ Frequent Flyer Miles (Policy 6600)
- 2:15 p.m. Executive Session pursuant to RCW 42.30.110(1)(g) "To
evaluate the qualifications of an applicant for public employment
or to review the performance of a public employee...."
- 2:30 p.m. Adjourn

WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS & HEARING LOSS

BOARD OF TRUSTEES

Rick Hauan, Director (360) 418-0400 (rick.hauan@cdhl.wa.gov)
 Jane Mulholland, Superintendent (360) 418-0402 (jane.mulholland@cdhl.wa.gov)
 Judy Smith, Executive Assistant (360) 418-0401 (judy.smith@cdhl.wa.gov)

Voting Members	Address	Cong Dist.	Contact Information	Date Apptd.	Term Expires	E-Mail/Fax
Maria Christianson	3796 Brown Road Ferndale, WA 98248	1	(360) 402-0162 Text	11/18/13	07/01/18	maria.christianson@cdhl.wa.gov mjochristianson@gmail.com
Allie "AJ" Joiner	15806 18 th Ave. W., B 102 Lynnwood, WA 98087	2	(425) 329-8433 VP	08/30/06	07/01/15	allie.joiner@cdhl.wa.gov
Nancy Sinkovitz	6403 NE 75 th Street Vancouver, WA 98661	3	(360) 910-0338	10/01/14	07/01/15	nancy.sinkovitz@cdhl.wa.gov
Nita Kamphuis	635 S. Hawaii Place Kennewick, WA 99336	4	(509) 967-6059 (509) 539-0962 cell	09/19/08	07/01/18	nita.kamphuis@cdhl.wa.gov
Char Parsley, Vice Chair	3427 W. 7 th Avenue Spokane, WA 99224	5	(509) 315-2128 VP (509) 329-8535 Text	03/16/07	07/01/16	char.parsley@cdhl.wa.gov
Rita Reandeau	1470 Yukon Harbor Rd., SE Port Orchard, WA 98366	6	(360) 871-7367 (360) 443-3626 Cell: (360) 551-3034	08/19/04	07/01/19	rita.reandeau@cdhl.wa.gov
Ariele Belo	1625 19 th Avenue Seattle, WA 98122	7	(206) 388-1275 TTY (206) 452-7955 (Video & Voice)	01/30/07	07/01/16	ariele.belo@cdhl.wa.gov
Sidney Weldele-Wallace, Chair	19501 SE 332 nd Place Auburn, WA 98092	8	(253) 833-6487 (253) 833-9111 ext. 4705 (253) 569-8000 cell	06/27/02	07/01/16	sidney.wallace@cdhl.wa.gov
Nancy Fitta	512 63 rd Ave Ct NE Tacoma, WA 98422	9	(253) 517-1070 (253) 922-0539 (253) 376-0414 cell	05/01/13	07/01/15	nancy.fitta@cdhl.wa.gov
Larry Swift	2306 Glen Kerry Ct., SE Lacey, WA 98513	10	(360) 491-8745	07/31/02	07/01/19	larry.swift@cdhl.wa.gov

WASHINGTON SCHOOL FOR THE DEAF

2014/2015 School Year

July 14

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MARK YOUR CALENDARS!

Deaf Awareness Week
September 22 - 26, 2014

Terrier Invitational (Volleyball)
September 26 - 27, 2014

Homecoming
October 9, 2014

Open House
October 9, 2014

WSBC/WSBCC 2015
January 29 - 31, 2015
Utah School for the Deaf

WSD Poetry Competition
March 19, 2015

All Star Day
May 21, 2015

High School Graduation
June 11, 2015

Middle School Graduation
June 17, 2015

October 14

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April 15

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Legend

	-First and last day of school
	-Non-school days
	-Early Release Dates
	-Residential Travel days

****EARLY RELEASE DATES****

1:00 p.m. - Residential students will go to the cottages, day students will ride bus home

September 11, October 16, November 13, December 11, January 8, February 12, April 2, May 14

After School Program

Fall: September 15 - November 5, 2014
Winter: December 1, 2014 - January 28, 2015
Early Spring: February 9 - April 1, 2015
Spring: April 20 - May 20, 2015

Labor Day	September 1, 2014	President's Day**	February 16, 2015
Registration Day	September 2, 2014	Spring Break	April 6-10, 2015
First Day of School	September 3, 2014	Memorial Day	May 25, 2015
Veterans' Day**	November 10 - 11, 2014	High School Graduation	June 11, 2015
Thanksgiving Break	November 24-28, 2014	8th Grade Graduation	June 17, 2015
Winter Break	Dec. 22, 2014-Jan. 2, 2015	Last Day of School	June 17, 2015
Martin Luther King Jr. Day**	January 19, 2015	*No transportation provided on Registration Day	
WSD's 129th Birthday	February 3, 2015	**Holiday and travel day	

Statewide and School Testing Master Schedule

MAP (Measure of Academic Progress) 2-12th grades Fall testing: October 2014 Spring testing: April 2015	HSPE (High School Proficiency Exam) 10-12th grades Reading: Writing:
MSP (Measurement of Student Progress) 3-8th grades	DAPE (Developmentally Appropriate Proficiency Exam) 11th & 12th grades only Fall: Spring:
EOC (End of Course) Algebra & Biology 9-12th grades	

Quarters end: 1st Quarter: November 7, 2014; 2nd Quarter: January 30, 2015 ;
3rd Quarter: April 3, 2015; 4th Quarter: June 17, 2015

Agenda Items

**WASHINGTON STATE CENTER FOR
CHILDHOOD DEAFNESS & HEARING LOSS
BOARD OF TRUSTEES MEETING
Insurance Building/Olympia
February 6, 2015**

Board Members: Maria Christianson (District #1)
Allie Joiner (District #2)
Nancy Sinkovitz (District #3)
Nita Kamphuis (District # 4)
Char Parsley (District #5)
Rita Reandeau (District #6)
Ariele Belo (District #7)
Sidney Weldele-Wallace (District #8)
Nancy Fitta (District #9)
Larry Swift (District #10)

Legal Counsel: Bonnie Terada

Executive Director: Rick Hauan

Superintendent: Jane Mulholland

Recorder: Judy Smith
Interpreters: Julie Moore, Tamara Moxham

Guests: Jessica Sydnor, Business Services Manager

The meeting was called to order by Sidney Weldele-Wallace, chair, at 9:38 a.m. It was determined a quorum was present.

Minutes – November 7, 2014

Char Parsley moved to approve the November 7, 2014, meeting minutes. Nancy Fitta seconded the motion. It was voted on and approved.

Finance Committee Report

- Due to quarterly obligations, December expenses were somewhat higher than November but everything is looking good.
- Minor Works for 2014/2015 must be completed prior to June 30th. Projects on campus include:
 - Roofing of Northrop and Clarke Hall buildings
 - HVAC unit replacement in the Clarke Hall annex

- The auditorium project will be closed as soon as two remaining owner's manuals are received and the retainage is paid out.
- An invoice from DES (Department of Enterprise Services) was recently received for \$52,000 with no explanation of what it was for. Once the details are received, the invoice will be paid.
- Governor's budget was released on December 20th. The Governor recognizes the need to have appropriate funding to help achieve our legal mandate. His budget is supportive of both on campus and outreach activities and includes capital investment for the campus in the 10-year capital plan.

Strategic Plan Discussion

Tabled until March meeting

Department of Education Grant (Sidney Weldele-Wallace)

Green River Community College has received a Department of Education grant which allows them to provide realtime captioning for DHH students in the State of Washington. Sidney has been working with Cathy Corrado and they have identified a student in the Lake Stevens School District, to receive this service. One of Sidney's students, who lives in North Carolina, will be providing CART (Communication Access Realtime Translation) services for two classes and hopes to add a third one soon. CART services will be provided to the student until the end of the school year at no cost to the school district. The goal of this five-year grant is to provide CART services for DHH students throughout the state.

Board Packet Discussion

Rick Hauan, Executive Director

- CDHL was awarded the Community Partner Grant from the Oberkötter Foundation. This grant will support the work of the Common Ground Project. Their next meeting will be held in March in Santa Fe, New Mexico.
- Met with Jon Levy, Principal for the regional deaf and hard of hearing program for University High School and Venado Middle School in Orange County, California. Jon manages one of the largest magnet DHH programs in the country. It was nice to learn about Jon's program and gather ideas as we go forward with programs in school districts throughout Washington.
- The Executive Director has participated in two parent forms in Spokane. There were three strong messages from parents:
 1. Better staff support so students receive direct services
 2. Access to technology
 - One of the requests was for VPs in the schools so DHH students could communicate directly with their parents, if needed. The order was placed the next day.
 3. Build community awareness and support.

Kris Ching (Outreach Director, Birth-3)

Karin Neidt, director of the EHDDI program, invited April McArthur and Krissy Walker to present on Deaf Culture to a group of 25 people from Dept. of Health hospital staff on Jan. 15th in Tumwater. Because feedback was so positive, Karin invited them to present at two upcoming Newborn Hearing Screening Meetings on Monday, June 1st in Spokane and Friday, June 26th at Seattle Children's Hospital.

A CDHL Birth-5 registry form has been created and will be used statewide to identify birth to five children who have been recently diagnosed as DHH. Once a child has been identified the local FRC (Family Resource Coordinator) completes the form and sends it to CDHL. Kris Ching or Kerianne Christie will contact the FRC to see if any support or resources are needed by the family.

ESIT (Early Support for Infants & Toddlers) has a very impressive website (<http://del.wa.gov/development/esit/Default.aspx>). This website offers providers practice guides for different specialized areas. CDHL has been asked to put together a practice guide which will be added to ESIT's website.

Policy Review

1st Reading

- Ethical Conduct (policy 5241)
 - Add "Ethics Act" to the end of the sentence in the first paragraph.
 - Legal References
 - Change to "Chapter 42.52 RCW"
 - Eliminate RCW 42.52.080

2nd Reading

- Special Education and Special Services for Eligible Students (Update) (policy 2161)

Nancy Fitta moved to adopted policy 2161 – Special Education and Special Services for Eligible Student (Update). Rita Reandeau seconded the motion. It was voted on and approved.

- Affirmative Action and Equal Employment Opportunity (policy 5220)
 - Bonnie Terada's suggested changes will be emailed to the Board members and the policy will be presented for a 3rd reading at the March meeting.
- Nutrition and Physical Fitness (policy 6701)
 - Bonnie Terada and Jane Mulholland's suggested changes will be emailed to the Board members and the policy will be presented for a 3rd reading at the March meeting.

Center for Change and Transition Services (Cinda Johnson, Principal Investigator)

The Center for Change in Transition Services (CCTS) is a Washington State Needs Project funded annually with federal resources from OSPI. CCTS's goal is to improve post-school outcomes for students with disabilities in the state.

With the above goal in mind, CCTS's work includes:

- Collecting post-school outcome data.
- Analyzing data and reporting back to schools, ESDs, and the state.
- Developing and implementing trainings to improve post-school outcomes.
- Providing support & resources to ESDs, school districts, and teachers.
- Collaborating with agencies to coordinate services.

Predictors of post-school success are:

- Self-advocacy/self-determination
- Self-care/independent living skills
- Social skills
- Vocational education
- Work study

CCTS's website has a great deal of valuable information: <http://www.seattleu.edu/ccts>.

Thanks to Cinda for an outstanding and very informative presentation.

Executive Director's Evaluation

The new survey format for the Executive Director's evaluation was distributed. The survey link will be sent out on March 2nd with a deadline of April 6th.

Executive Session

The Board went into Executive Session at 2:10 p.m. for 20 minutes pursuant to RCW 42.30.110(1)(g) "To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee...." The meeting reopened at 2:30 p.m.

Adjournment

Hearing no objections the meeting was adjourned at 2:34 p.m.

Sidney Weldele-Wallace, Chair
CDHL Board of Trustees

Rick Hauan, Executive Director
CDHL

Date

Date

CDHL Board of Trustees meeting

4

February 6, 2015

CDHL Board of Trustees Meeting – March 6, 2015

Reports from Executive Director, Superintendent, Outreach Directors,

Rick Huan, Executive Director

On-going

- Governor’s Goal Council meeting on World Class Education
- Meetings with Seattle Public Schools
- Budget meetings

February 2015

- Staffing meeting for magnet program at Spokane Public Schools
- Meeting with Special Ed. Director – Sunnyside School District
- Meeting with Helen Cotton-Leiser, Hands & Voices headquarters staff member
- National Outreach Conference planning
- Parent forum at Seattle Public Schools

March 2015

- Attended ESDs Special Education Director’s meeting held at WSD

Jane Mulholland, Superintendent
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Deaf Academic Bowl (DAB): The Board will have the pleasure of meeting the members of the Deaf Academic Bowl team at the board meeting. The Terriers made us proud, as always, with their performance at the regional competition, winning four and losing four (by close margins), and just missing the opportunity to advance to nationals. Thanks to Tyler DeShaw for his sponsorship of this important enrichment opportunity.

CEASD Conference: We are in the final couple of months of planning for the CEASD conference. It is coming together nicely, thanks to Shauna Bilyeu’s leadership and the many other people who are working hard on it. If you are interested in seeing more information, go to the conference website at www.ceasd2015.com. Special thanks to our very own Sidney Weldele-Wallace for coordinating the CART services for the conference!

Teacher Preparation Program: Western Oregon University is re-establishing its program to prepare teachers of the deaf. When open, it will be the only program in the Northwest. Patrick Graham, the new coordinator for the program, visited WSD 2/25/15 to learn about our ASL-English bilingual instructional program. WSD is looking forward to establishing a strong partnership with the program and hope to be a future site for student teachers.

SPED Directors Meeting: March 5 we will host the Special Ed Directors from the 9 ESDs in WA for an informational morning. The directors will visit classes and get information about CDHL’s outreach services and WSD’s instructional program. We are

excited about this opportunity to help directors from across the state understand the resources we are able to offer.

Optimist Club Communication Contest: The Optimist Club sponsors an annual communication contest for students who are D/HH. Students develop an essay based on a given topic. Tyler DeShaw is coordinating this contest for WSD and Vancouver area students, which will take place March 11. Three winners will advance to the regional competition in Vancouver, B.C. Last year WSD senior Samantha Rowland won the regional competition and received a scholarship for \$2500.

ASL Poetry Contest: WSD's annual ASL poetry competition will be held March 19th. Our hope is that the winners will be able to attend the opening ceremony for the CEASD conference and perform their original poem.

FAN: The February Family Academy Night (FAN) was held February 19. This activity is primarily for preschool and elementary age children and families. Thanks to Stowe Beecher to leading math activities that children, siblings and parents enjoyed together.

Staff Appreciation: The Leadership Team hosted a staff appreciation Valentine's Day dessert February 11th. Staff enjoyed delicious desserts and equally delicious conversation with their colleagues. The Leadership Team is deeply appreciative of each of our amazing employees. They bring their heart and soul to work every day of the year—for the benefit of our students!

Outreach, Kris Ching (0-5), Carol Carrothers (6-21),

From Kris Ching.....

December & January Work:

- Dec. 3: D/HH Early Childhood State Agency Task Force – follow up meeting (Dept. of Health Kent)
- Dec. 4: CDHL Outreach meeting with Listen & Talk members (videoconference)
- Dec. 11: CDHL Outreach Team meeting (Tacoma)
- Dec. 18: Preschool family home visit with Kris & April (Elk, WA)
- Dec. 18: Spokane Public Schools D/HH program review meeting – April & Kris presentations
- Dec. 19: ESD 123 SPED Director meeting
- Dec. 19: Birth-3 meeting with Kellie Horn (ESD 123 & Walla Walla county)
- Jan. 5: CDHL Admin meeting (Tacoma)
- Jan. 6: Home visits with Kristi Morrison (Wenatchee)
- Jan. 6: Birth-3 contract meeting with Janelle Bersch, Lead FRC, and Kristi M. (ESD 171)
- Jan. 7: WSDS/CDHL/WSSB meeting (Adobe Connect)
- Jan. 8: CDHL Outreach and Listen & Talk follow-up meeting (videoconference)
- Jan. 13: MOOSE Project Preschool visit (Spokane)
- Jan. 13: Preschool family follow up visit (Spokane)

- Jan. 13: ESD 101 SPED Director meeting
- Jan. 14 NCHAM (National Center for Hearing Assessment & Management – Utah State University) webinar: Collecting Developmental Outcome Data on Children Who Are Deaf and Hard of Hearing (Kris)
- Jan. 14: Seattle Public Schools D/HH program meeting – preschool discussion
- Jan. 15: Family Academy Night – FAN at WSD
- Jan. 16: ESD 112 Early Childhood Director meeting
- Jan. 18: Fitness Gear & Apparel Swap Fundraiser (WSD)
- Jan. 20: WSDS/CDHL B-3 state plan meeting – Kerianne, Kris & Nancy Hatfield (Seattle)
- Jan. 21: State Interagency Coordinating Council - ESIT Part C meeting, Kerianne & Kris (Burien)
- Jan. 22: Deaf/HH Early Childhood State Agency Task Force meeting, Kris & Kerianne (Olympia)
- Jan. 22: North Thurston Deaf/HH preschool program planning discussion, Kris & Kerianne (Lacey)
- Jan. 23: Klickitat county (White Salmon & Bingen) phone meeting – B-3 services meeting, Kris
- Jan. 26: WSDS Combined Summer Institute planning meeting, Rick, Carol, Kris, Jessica (Seattle)
- Jan. 26: CDHL Admin meeting

Other events & news:

- Upcoming Transition Fairs:
 - March 19 – Spokane
 - April 15 – Tacoma/Puyallup
 - May 21 – WSD/Vancouver
- 12/6: EIPA Boys Town National training via K20
- Kerianne Christie spearheaded another fundraising event for the WA Family Events Fund - Fitness Gear & Apparel Swap Fundraiser on January 18. Hands waving for her time and efforts to help replenish this important local fund! Thank you!!!

From Carol Carrothers.....

- Jan. 20 – 21: State Department of Education Deaf/HH Consultant National meeting in Washington DC(prior to the PepNet Conference)
- Jan. 26: CSI Planning Meeting
- Feb. 2: Provided EIPA Performance assessment for Alisa George. SEE sign instructor. To help support SEE interpreters in the state.
- Feb. 9: Meeting with Highline School District, for on-going program support. Roles of Administrator, teacher of the deaf, general education teacher, educational interpreter discussed.
- Feb. 11: Meeting Sunnyside discussion involved next year plans of support.

- Feb. 18: ESD 105 Special Education Directors Meeting
- Feb. 19: Meeting with Seattle SD to plan Community Forum for parents, community members.
- Feb 20: ESD 123 Special Education Directors Meeting
- Feb. 24: Seattle SD Community Forum meeting, facilitated small stakeholder groups.
- Feb. 26: Program Review discussion with North Thurston SD.

CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

POLICY: 5241

Adopted:

SUBJECT: **Ethical Conduct**

Approved by:

Sidney Weldele-Wallace, Chair, CDHL Board of Trustees

Purpose: To provide direction to Center for Childhood Deafness and Hearing Loss (CDHL) employees in making ethical choices, acting in a manner that demonstrates high ethical standards and complying with the provisions of the Ethics in Public Service Act (“Ethics Act”).

Ensuring ethical conduct in the workplace requires that we all know what ethical conduct is and then fully embrace this conduct in every aspect of our work. Agency employees are expected to conduct themselves and their business affairs in a manner consistent with the agency’s values and ethical standards, as well with the Ethics Act.

Policy Statement: This policy implements the requirements of state ethics laws, fosters an environment where employees understand they hold a public trust, and informs employees about their ethical responsibilities. The ethics laws are designed to protect state employees from conflicts of interest or from engaging in activities where their interests or loyalties could be divided or questioned.

CDHL employees are to be familiar with state ethics laws, rules and other related policies and act in a way that is consistent with the law, rules and policies.

Compliance with the ethics requirements is an individual responsibility. Maintaining a working knowledge of the requirements will help ensure proper and ethical actions by employees.

Employees are to base their conduct on these core ethical principles:

- | | |
|--------------|---|
| Objectivity | Employees must place the public’s interest before any private interest or outside obligation. |
| Selflessness | Employees should not take actions or make decisions in the performance of their position in order to gain financial or other benefits for themselves, their families, or their friends. |
| Stewardship | Employees have a duty to preserve public resources and funds against misuse and abuse. |

Transparency	Employees must practice open and accountable government. They should be as open as possible about their decisions and actions, while protecting truly confidential information.
Integrity	Employees should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

All CDHL employees are expected to maintain high professional and ethical standards at all times. Specific expectations, roles and responsibilities are as follows:

1. The agency head is responsible for and shall exercise personal leadership in establishing, maintaining, and carrying out the agency's ethics program. He or she shall make available to the ethics program sufficient resources to enable the agency to administer its program in a positive and effective manner.
2. The Human Resources Manager is designated as the agency's ethics advisor who coordinates and manages the agency's ethics program. The ethics advisor is the agency's liaison to the State's Executive Ethics Board.
3. All agency employees are responsible for knowing and adhering to the Ethics Act (RCW 42.52) and rules (WAC 292-110), applicable agency policies and procedures and for making choices that exemplify an adherence to the highest ethical standards.
4. Employees are to avoid actions that create even the appearance of using their position for personal gain or private advantage for themselves or another person.
5. Employees should notify their supervisor of any actual or potential violations of this policy. When in doubt, employees should consult with their designated ethics advisor and/or the Human Resources office.
6. Violations of the State's Ethics Act and/or this policy may lead to corrective or disciplinary action, up to and including termination.
7. The Executive Ethics Board has the authority and responsibility for investigating alleged violations of the Ethics Act and may take administrative action against an agency employee, including imposing a civil penalty for violations. Anyone may file an ethics complaint against a state employee or officer. Complaint forms are available on the Executive Ethics Board website. Complaints may be filed anonymously or the complainant may choose to remain confidential. Ethics complaints may be filed directly with the Board at the following address:

Executive Ethics Board
PO Box 40149
Olympia, WA 98504

8. The agency will take reasonable steps to achieve compliance with applicable laws and rules by monitoring and auditing systems designed to detect unethical conduct and by publicizing a reporting system for employees and other agents to use to report ethical violations.

Response and Prevention: After a violation has been reported, the agency will take all reasonable steps to respond to the violation and to prevent further similar offenses.

General Expectations: The Ethics in Public Service Act, RCW 42.52, applies to all state employees and officers. Each agency employee is expected to read and understand this Act. Each agency employee is expected to know and understand the agency's policies regarding certain sections of the Act, as these policies may be stricter than the Act and the employee must comply with the stricter limitations.

Detailed information on issues related to state ethics, including interpretations and clarifying examples of the Ethics Act and rules are available at the Executive Ethics Board website: www.ethics.wa.gov.

1. Employees shall not:
 - a. Have a financial or other interest or engage in any business, including personal business, or professional activity that conflicts with their official duties.
 - b. Use their position to secure a special privilege for themselves, their family, friends, or any other person. A "person" is also considered to be an outside business or organization.
 - c. Receive any compensation (including gift cards) from any sources, except the state, for performing or not performing their official duties.
 - d. Accept any gifts, except as allowed under RCW 42.52.140 and 150. Gifts include food and beverages in most situations.
 - e. Disclose confidential information to unauthorized person, use confidential information for personal benefit or to benefit another, or withhold disclosure of information that can and/or should be disclosed.
 - f. Use of state resources for personal benefit or to benefit another except as allowed under agency policies and WAC 292-110-010.
 - g. Use state resources to campaign for the election of a person or ballot initiative or to lobby an elected representative.
 - h. Assist another person in a transaction involving the state if they have participated in the transaction or the transaction was part of their job responsibilities.
2. There are post-employment restrictions placed on former employees. Should you leave state service, refer to RCW 42.52.080 to determine if any of these

restrictions apply to your situation *before* accepting a post-state employment job. The Executive Ethics Board has jurisdiction over former employees regarding this section of the Act.

Formal Advisory Opinions: The Executive Ethics Board has the authority and responsibility to render formal advisory opinions. The service is available to any person who has a question about a matter over which the Board has jurisdiction.

Former advisory opinions are usually not used for general advice concerning a specific individual's present or proposed activities or financial transactions. Such questions should be directed to this agency's designated ethics advisor or to the Director of the Executive Ethics Board.

Legal References: Chapter 42.52 RCW
WAC 292-110-010

**WASHINGTON STATE CENTER FOR
CHILDHOOD DEAFNESS AND HEARING LOSS**

POLICY: **5220**

Adopted:

SUBJECT: **Affirmative Action and Equal Employment Opportunity**

Approved by:

Sidney Weldele-Wallace, Chair, Board of Trustees

The Center for Childhood Deafness and Hearing Loss (CDHL) champions the commitment of the State to employ a workforce that reflects Washington's diversity and to provide a work environment free from discrimination. CDHL is dedicated to providing an environment that provides fair and equal treatment in public employment and equal access to its benefits, programs and services for all persons without regard to age, sex, marital status, sexual orientation, race, creed, color, national origin, genetic information, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon a bona fide occupational qualification.

Equal employment opportunity is the goal and CDHL will comply with all relevant and applicable state, local, and equal employment opportunity laws governing non-discrimination in its employment practices. Often the phrase "equal opportunity" is associated with recruitment and selection efforts, however the phrase (and concept) also applies in all other areas of employment including career growth and development opportunities, compensation and classification, training, retention, corrective and disciplinary actions and in business dealings with external agencies, organizations and contractual relationships.

The purpose of the Affirmative Action Plan is to identify any barriers which may exist and to improve employment opportunities available to under-represented protected groups. CDHL will establish affirmative action goals and increase efforts to implement results-oriented activities to ensure equal employment opportunity.

Supervisors or managers who become aware of discrimination or harassment toward employees, volunteers, or persons having business with CDHL, have an ongoing obligation to respond in an appropriate and timely fashion. Employees, volunteers, or persons having business with CDHL are strongly encouraged to report the conduct in accordance with the agency's *Nondiscrimination policy (5209) and Discrimination Complaint procedure (5209P)*.

Primary roles and responsibilities for affirmative action and equal employment opportunity at CDHL include:

Role	Responsibilities
Executive Director	Overall responsibility for implementation of the Affirmative Action and Equal Opportunity program.
Human Resources	<ul style="list-style-type: none">• Overall development, communication, implementation, monitoring and

Manager	<p>auditing of this policy.</p> <ul style="list-style-type: none"> • Administers the agency's investigation and complaint procedure. • Development of the agency's affirmative action plan. • Reporting to the Governor's Affirmative Action Policy Committee and the Equal Employment Opportunity Commission. • Representing the agency in matters related to review of the program. • Assisting the Executive Director to ensure that managers are responsible and accountable for the success of the program in their area of responsibility.
Managers/Supervisors	<p>Ensure promotion and implementation of the principles of affirmative action and equal opportunity as outlined in CDHL's Affirmative Action Plan.</p>
All Employees	<ul style="list-style-type: none"> • Maintain a working environment free from all forms of discrimination. • Refrain from engaging in any form of racial, religious, or sexual harassment including jokes, slurs, and innuendos. Failure to do so may result in corrective/disciplinary action. • Comply with and promote this policy.

Legal References: Chapter 357-25 WAC

WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS & HEARING LOSS

POLICY: 6701

Adopted: *June 16, 2005*

Revised:

SUBJECT: **Nutrition and Physical Fitness**

Approved by:

Sidney Weldele-Wallace, Chair, Board of Trustees

The Washington State Center for Childhood Deafness & Hearing Loss (CDHL) Board of Trustees recognizes that childhood obesity has reached epidemic levels in Washington and throughout the country. Washington School for the Deaf (WSD) is the campus where students attend. Overweight children are at a higher risk for developing severe long-term health problems, and overweight children are affected by discrimination, psychological stress, and low self-esteem. However, research indicates that obesity and subsequent diseases are largely preventable through diet and regular physical activity. Research also indicates that becoming physically active and maintaining a regular physical activity program significantly reduces the risk of some obesity and some cancers, diabetes and other chronic diseases.

Children who eat well-balanced meals and are healthy are more likely to learn in the classroom. The board supports increased emphasis on nutrition as well as physical activity at all grade levels to enhance the well-being of WSD's youth. Therefore, it is the policy of the board to:

- Provide students access to nutritious food;
- Provide opportunities for physical activity and developmentally appropriate exercise; and
- Provide accurate information related to these topics.

The superintendent shall develop and implement a comprehensive school-wide nutrition program consistent with state and federal requirements for schools sponsoring the National School Lunch program, and will incorporate this into the health education content area. To implement the program, the superintendent shall adopt and implement a comprehensive curriculum on health, fitness and nutrition consistent with state standards.

The curriculum will provide opportunities for developmentally appropriate instruction for grades K-12. The input of staff, students, parents and public health professions in the development of the curriculum is encouraged.

Nutrition, health and fitness topics shall be integrated within the sequential, comprehensive health education curriculum taught at every grade level, kindergarten through grade 12, and coordinated with the district's nutrition and food services operation.

WSD shall take a proactive effort to encourage students to make nutritious food choices. The superintendent shall ensure that:

- A variety of healthy food choices are available whenever food is sold or served on district property or at district-sponsored events;
- Schools shall regulate the sale or serving of foods or snacks high in fat, sodium or added sugars; and
- Nutritious meals served by the school nutrition and food services operation complies with state and federal law.

Nutrition

Nutrition Standards

WSD shall provide school lunches which meet the nutritional standards required by state and federal school lunch program. Meals served in school before the end of the last lunch period shall conform to the U.S. Dietary Guidelines for Americans.

The superintendent shall establish rules for the sale of food during the school day to encourage the eating of nutritious breakfasts and lunches. Foods and beverages of minimal nutritional value, as defined by the U.S. Department of Agriculture, shall not be sold or served on school premises until 30 minutes after the end of the last lunch period.

Any food sales of an occasional nature must have the prior approval of the principal. Vending machines shall be limited to only those that dispense items which are nutritionally healthful. No food or drink items shall be offered in vending machines unless they have been approved by the principal.

Food Services Program

WSD supports the philosophy of the National School Lunch program and shall provide wholesome and nutritious meals for children in the school.

Because of the potential liability, the food services program shall not accept donations of food other than as provided in this policy without the expressed approval of the board. Should the board approve a food donation, the superintendent shall establish inspection and handling procedures for the food and determine that the provisions of all state and local laws have been met before selling the food as part of the school lunch menu.

Free And Reduced-Price Food Services

WSD shall provide free and reduced-price lunches and milk to students according to the terms of the National School Lunch program and the laws and rules of the state. WSD shall inform parents of the eligibility standards for free or reduced price meals.

Reasonable efforts shall be made to protect the identity of students receiving such meals. A parent has the right to appeal any decision with respect to his/her application for free or reduced-price food services to the superintendent.

WSD may provide free, nutritious meals to all children on test days, including students who do not qualify for free or reduced priced federal school meal benefits, however, WSD is responsible for the cost of providing meals to students who are ineligible for free and reduced priced meals.

The board of trustees may establish a program whereby school meals may be purchased by WSD staff at the greatest price charged any student plus an amount representing the portion of the lunch cost paid for from local, state and federal assistance (cash and food).

Surplus Commodities

WSD shall use food commodities made available under the Federal Food Commodity Program for school menus.

Program Evaluation

Nutrition:

- In order to evaluate the effectiveness of the school health program in promoting healthy eating and to implement program changes as necessary to increase its effectiveness, the superintendent is responsible for evaluating and assessing whether the board policy and procedure are implemented, including a periodic assessment of the school meal program with input from students, parents and staff.

Physical Education:

- School physical activity/health and fitness programs will be monitored and assessed regularly in conjunction with other academic and health-related programs using tools like Healthy Kids Survey, CDC School Health Index or an OSPI approved assessment. Results of these surveys and assessments will be reported to the board, and made available to staff, parents and the community.

WSD Wellness Team

The school will convene a Nutrition and Physical Activity advisory committee, known as the WSD Wellness Team, to assist the superintendent in ongoing development and monitoring of the WSD nutrition and physical fitness program and policy. The committee will be led by the Nutrition Services Manager and be open to staff, parents, building level administrators, school board members, students, nutritionists, health care

professionals, physical education staff, the public, and interested community organizations.

The Wellness team will conduct periodic reviews and ongoing monitoring of WSD's Nutrition and Physical Fitness programs and policies. The team will set goals and establish strategies for promoting student and staff wellness on campus and assess and monitor the success of these.

Family and Community Involvement

In order to promote family and community involvement in supporting and reinforcing nutrition education at WSD, the Wellness Team is responsible for ensuring:

- Nutrition education materials and meal menus are made available to parents;
- Parents are encouraged to promote their child's participation in the school meals program. If their children do not participate in the school meal program, parents should provide their children with healthy snacks/meals;
- School staff considers the various cultural preferences in development of nutrition education programs and food options.

Physical Education

Health and Fitness Curriculum

The superintendent shall adopt and implement a comprehensive health and fitness curriculum consistent with the Common Core Standards. The curriculum will provide opportunities for developmentally appropriate instruction for grades K-12. Evaluation procedures will utilize classroom-based assessments or other strategies and will be in place by the end of the 2015-2016 school year.

All students in grades one through eight are required to complete an average of one hundred instructional minutes per week of physical education. This includes instruction and practice in basic movement and fine motor skills, progressive physical fitness, and wellness activities through age-appropriate activities. All high school students are required to complete two credits of health and fitness.

Suitable adapted physical education shall be included as part of individual education plans for students with chronic health problems, other disabling conditions, or other special needs that preclude such student's participation in regular physical education instruction or activities.

In addition to required physical education, students at the elementary level should have the opportunity to participate in daily recess and physical activity. WSD shall provide daily recess period(s) for elementary school students, featuring time for unstructured but supervised active play. WSD is encouraged to provide adequate co-curricular physical activity programs, including fully inclusive intramural programs and physical activity clubs; and to promote the use of school facilities for physical activity programs offered by the school and/or community-based organizations outside of school hours.

Legal References:

RCW 28A.230.040	Physical Education - Grades 1-8
RCW 28A.230.050	Physical Education in High School
RCW 28A.235.120	Meal Programs - Establishment and operation - Personnel - Agreements
RCW 28A.235.130	Milk for children at school expense
RCW 28A.623.020	Nonprofit meal program for elderly - Authorized – Restrictions
RCW 69.04	Intrastate commerce in food, drugs, and cosmetics
RCW 69.06.010	Food service worker permit
RCW 69.06.020	Permit exclusive and valid throughout state - Fee
RCW 69.06.030	Diseased persons - May not work - Employer may not hire
RCW 69.06.050	Permit to be secured within fourteen days from time of employment
RCW 69.06.070	Limited duty permit
WAC 392-410-315	Physical Education - Grade school and high school requirement.
WAC 392-410-136	Physical Education Requirement-Excuse
7 CFR Parts 210 & 220	National School Lunch Program
7 CFR § Part 245.5	Public announcement of the eligibility criteria

WASHINGTON SCHOOL FOR THE DEAF

POLICY: **6600**

Adopted: **February 12, 2004**

SUBJECT: **Frequent Flyer Mileage Plans**

Approved by:

Bonnie Decker
Bonnie Decker, Chair, Board of Trustees

Washington School for the Deaf establishes, maintains, and redeems mileage plans for all staff and students for whom the school provides air transportation.

All air travel is purchased with State funds and as such, the frequent flyer miles earned by these purchases will remain the property of the agency. All frequent flyer mileage reimbursement will be used for State business. **At no time shall any mileage be exchanged for personal travel.**

Informational Items

CDHL Data As of February 20, 2015

WSD Campus

- Elementary School: 29
- Middle School: 21
- High School: 51
- WaCAD: 8
 - Total students: 109

Statewide Outreach

- Birth to 5 program
 - Southwest Washington: 10
 - Central Washington: 10

Districts Served Through Statewide Outreach

ESD 101	ESD 105	ESD 112	ESD 113	ESD 114	ESD 121	ESD 123	ESD 171	ESD 189
East Valley 361	East Valley 090	Vancouver	Centralia/Chehalis		Federal Way	Clarkson	Bridgeport	Bellingham
Freeman	Sunnyside		Elma		Highline	College Place	Ephrata	Edmonds
Mead	Yakima		North Thurston		Issaquah	Finley	Oroville	Everett
Medical Lake			Olympia		Kent	Kennewick	Wenatchee	Lake Stevens
Pullman			Raymond		Northshore	Pasco		Lakewood
			Rochester		Puyallup	Richland		Snohomish
			Tumwater		Renton			
			Yelm		Seattle			
					Snoqualmie			
					Tahoma			

Number of student visits contracted to date:

Number of students contracted to date:

Washington State Center for Childhood Deafness & Hearing Loss

PROCEDURE: 2161P

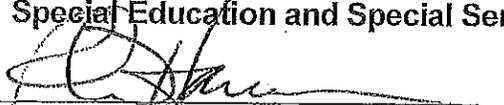
Adopted: *March 11, 2004*

Revised: *March 9, 2011*

February 6, 2015

SUBJECT: **Special Education and Special Services for Eligible Students**

Approved by:


Rick Hauah, Executive Director

Special Education and Related Services for Eligible Students

The purpose of these special education program procedures for Washington School for the Deaf (WSD) under the auspices of the Washington State Center for Childhood Deafness and Hearing Loss (CDHL) is to address program areas where state and federal regulations require specific agency procedures or permit agency discretionary choices.

The state regulations governing implementation of special education services pursuant to the Individuals with Disabilities Education Improvement Act (IDEA) of 2004 are addressed in Chapter 392-172A WAC. These procedures do not address all of the requirements established in the regulations. WSD personnel who are not familiar with the regulations need to contact the Superintendent or Principal if there are questions regarding special education. These procedures describe how WSD implements its special education program.

Free Appropriate Public Education (FAPE)

CDHL will apply annually for Federal Part B and state special education funding to assist in the provision of special education and any necessary related services provided at WSD. This funding is in addition to general fund - state allocation.

WSD offers services to eligible deaf/hard of hearing students age three to 21 who are residents of the state of Washington without charge to the student or his/her family. This does not include incidental fees that are normally charged to all students. Special education services will be provided at the preschool, elementary and secondary level and are provided in conformance with the student's Individual Education Program (IEP).

WSD provides a continuum of services for students. Where WSD is unable to provide all or part of the special education or necessary related services, it will make arrangements through contracts with other public or non-public sources, interagency agreements or interagency coordination.

Early Intervention

WSD participates in the provision of early intervention services to eligible children with a disability, birth to three, consistent with the state lead educational agency's policies and procedures and the regulations implementing Part C of the IDEA, to the extent funding and resources are available.

Students Covered by Public or Private Insurance

WSD may use Medicaid or other public insurance benefits programs in which a student participates to provide or pay for services required to provide a FAPE, as permitted by the public insurance program. However, WSD shall not:

1. Require parents to sign up for or enroll in public benefits or insurance programs in order for their student to receive FAPE under Part B of the IDEA;
2. Require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim;
3. Use a student's benefits under a public insurance program if that use would:
 - a) Decrease available lifetime coverage or any other insured benefit;
 - b) Result in the family paying for services required after school hours that would otherwise be covered by the public insurance program;
 - c) Increase premiums or result in discontinuation of insurance; or
 - d) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

WSD may access a parent's public or private insurance proceeds to provide FAPE to an eligible student only if the parent provides informed consent to WSD. Whenever WSD proposes to access the parent's public benefits or private insurance proceeds, WSD shall:

1. Obtain parent consent in accordance with Chapter 392-172A WAC each time WSD uses benefits for a new procedure; and
2. Inform the parents that their refusal to permit WSD to access their insurance does not relieve WSD of its responsibility to ensure that all required services are provided at no cost to the parents.

Before first accessing a parent's or student's public benefits, for the first time and annually after the first notification, WSD will provide written notification using the prior written notice provisions under WAC 392-172A-05010(3) that includes:

1. A statement of the parental consent provisions;
2. A statement of the "no cost" provisions;
3. A statement that the parents may withdraw their consent to disclose personally identifiable information to the agency responsible for administering the state's public benefits or insurance, and
4. A statement that a parent's withdrawal or refusal to consent does not relieve WSD of its responsibility to ensure that all required services are provided at no cost to the parents.

After providing the required notification, the WSD will obtain written informed consent from the parent allowing WSD to disclose information from the student's educational

records to the agency responsible for administering the state's public benefits or insurance programs. The consent will specify:

1. The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student;
2. The purpose of the disclosure;
3. The agency to which the disclosure will be made; and
4. That the parent understands and agrees that the public agency may access the parent's or student's public benefits or insurance to pay for services under the act.

To avoid financial cost to parents who would otherwise consent to use private insurance or public benefits if the parent would incur a cost such as a deductible or co-pay, WSD may use its Part B funds to pay the cost the parents would incur.

WSD is responsible for providing the required notices and requests for consent to parents under this section.

Parent Participation in Meetings

Washington School for the Deaf (WSD) encourages parental involvement and sharing of information between WSD and parents to support the provision of appropriate services to its students. As used in these procedures, the term "parent" includes biological and adoptive parents, legal guardians, persons with legal authority to act in the place of a parent, such as relatives and stepparents, foster parents, persons appointed as surrogate parents and adult students.

Parents (and as appropriate, students) will be provided the opportunity to participate in any meetings with respect to the identification, evaluation, educational placement and provision of a FAPE.

When a meeting is scheduled, parents will be:

1. Notified of the meeting early enough that they will have an opportunity to attend/participate; and
2. Notified of the purpose, time, and location of the meeting and who will be in attendance.

When the meeting is to address the IEP or placement, the parent will be:

1. Notified that WSD or the parent may invite others who have knowledge or special expertise of the student; and
2. Consulted in order to schedule at the meeting at a mutually agreeable time and place.

WSD shall take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents whose native language is other than ASL or English.

The special education secretary is responsible for inviting the parents to meetings and will keep documentation of the information provided and the methods used to notify the parents of the meeting. WSD may proceed with the IEP or placement meeting if WSD is

not able to convince the parent to attend. In this case, WSD will document its attempts to arrange the meeting. This documentation will include records of telephone calls and the results, copies of correspondence sent to the parent and/or other means used to contact the parent. This documentation will be kept in the student's special education file.

If the parent cannot attend the IEP or placement meeting but wishes to participate, WSD will arrange for other means to participate. This can include individual or conference phone calls, videophone, K-20 conferencing or other means of conferencing.

A meeting does not include informal or unscheduled conversations involving WSD personnel; conversations on issues such as teaching methodology, lesson plans, coordination of service provisions; or preparatory activities that WSD personnel engage in to develop a proposal or a response to a parent proposal to be discussed at a later meeting.

Identification and Referral (Child Find)

The purpose of child find is to locate, evaluate and identify children with suspected disabilities in need of special education services including those who are not currently receiving special education and related services and who may be eligible for those services. WSD does not have responsibility for Child Find for students admitted for a 45 school day diagnostic evaluation. WSD does have responsibility for Child Find for students who are fully enrolled at WSD.

Evaluation of Students

A student who is enrolled at WSD may be referred for a special education evaluation by parents, school staff or other persons knowledgeable about the student. Referral will be made by notice to the special education secretary. The superintendent is responsible for ensuring staff understands the referral process.

When a referral is made, WSD must act within a 25 school-day timeline to make a decision about whether or not the student will receive an evaluation for eligibility for special education services.

The special education secretary (a) records the referral; (b) provides written notice of the referral to the parents; and (c) advised the school psychologist to collect and review school data and information provided by the parent to determine whether evaluation is warranted. During the referral period, the evaluation team will collect and review existing information from all sources, including parents. Examples may include:

1. Child's history, including developmental milestones;
2. Report cards and progress reports;
3. Individual teacher's or other provider information regarding the child including observations;
4. Assessment data;
5. Medical information, if provided;

6. Other information that may be relevant to assist in determining whether the child should be evaluated.

If the review of data occurs at a meeting, the parent will be invited. The special education secretary provides written notice to the parents of the decision regarding evaluation, whether or not the parents attend the meeting.

Recommendations regarding evaluation are forwarded to the evaluation team. After the evaluation team reviews the request for evaluation and supporting data and does not suspect that the child has a disability, WSD may deny the request. In this case written notice, including the reason for the denial and the information used as the basis for the denial, must be given to the parent.

If the determination is that the child should be evaluated, the evaluation team shall include information about the recommended areas of evaluation, including the need for further medical evaluation of the student. This information will assist the school in providing parents prior written notice and will assist the school in selecting appropriate evaluation group members. The special education secretary is responsible for notifying parents of the results using prior written notice. When the determination is that the child will be evaluated, parent consent for evaluation and consent for release of appropriate records will be sent with the notice.

The school psychologist will seek parental consent to conduct the evaluation. The school is not required to obtain consent from the biological parent if:

1. The student is a ward of the state and does not reside with a parent;
2. The parent cannot be located, or their rights have been terminated; or
3. Consent for an evaluation is given by an individual appointed to represent the student.

When the parent provides consent, the evaluation team is to complete the evaluation within 35 school days after parent consent unless:

1. The parents and WSD agree in writing to extending the timeline;
2. The parent fails or refuses to make the student available for the evaluation.

If the student withdraws from WSD after the evaluation is begun but before completion, the new school district will be responsible for completion of the evaluation. In this case, WSD will provide information to the new school district regarding the evaluation activities completed at the time of withdrawal.

If a parent does not provide consent, the special education secretary will notify the evaluation team. The superintendent will make a determination as to whether to use mediation to seek agreement to evaluate or file a due process hearing to override the parent's refusal to consent.

Evaluation Requirements

The purpose of the evaluation is to collect information about a student's functional, developmental and academic skills and achievements from a variety of sources, to determine whether a student qualifies for special education and related services, and to develop an IEP. This includes information provided by the parent. All information gathered in this process is reviewed by the IEP team or other group of qualified professionals.

The evaluation must be an individual assessment designed to determine:

1. Whether the student is eligible for special education and any necessary related services; and
2. The nature and extent of special education and related services needed by the student, including information related to enabling the child to be involved in and progress in the general education curriculum.

WSD shall select the members of the evaluation team. Members selected must be knowledgeable about the student and the areas of suspected disabilities. Qualifications of a group member include having the appropriate professional license or certification and may include outside practitioners when necessary. When assessing for specific learning disabilities, the parent and a group of qualified professionals must be part of the group. If the student requires a medical evaluation in order to determine eligibility, the district will coordinate with the parents to arrange for the evaluation at school expense or through the use of public or private insurance if the parent consents to the use of the insurance.

There are many legal requirements for conducting evaluations. Evaluation procedures or materials must be free of racial, cultural or sexual/gender bias and they must be used for the purpose for which they are valid and reliable. Tests must be appropriate for the student's age and stage of developmental level. Tests should be administered in the native language of the student or conducted in the mode of communication most familiar to the student. If it appears to be clearly not feasible to conduct a procedure or test in the mode of communication most frequently used by the student, the IEP team will contact the superintendent to develop an individualized strategy for valid evaluation of the student's skills. The inclusion of parents in this collaboration is desirable and strongly encouraged.

Specific areas to be included in the evaluation are determined by the school psychologist and other qualified professionals, as appropriate, as part of a review of existing data concerning the student. The evaluation does not rely on one source or procedure as the sole criterion for determination and should include:

1. Review of existing data, including corresponding response to intervention (RTI) documentation;
2. Relevant functional and developmental information;
3. Information from parents;
4. Information from other providers;

5. Information related to enabling access to and progress within the general education curriculum and assisting in determining whether there is a disability and the content of the IEP;
6. Current classroom-based evaluations, using criterion-referenced and curriculum-based methods, anecdotal records and observations;
7. Teacher and related service providers' observations;
8. Testing and other evaluation materials, which may include medical or other evaluations when necessary.

All current evaluation data as well as data previously reviewed by the team must be considered. Professional members of the evaluation team need to be familiar with qualifying disability definitions and criteria in federal and state rules. This review of existing data may be in the form of a meeting of IEP team members, or may be conducted without a meeting. It could include data provided by parents, data gathered in the general education classroom or from state and district level assessments. The data may provide information about the student's physical condition, social or cultural background and adaptive behavior.

When additional assessments are necessary, the evaluation team has the responsibility of selecting, administering, interpreting and making judgments about evaluation methods and results, and ensuring the tests and assessments are administered by qualified personnel in accordance with the instructions of the test producer. The gathering of additional data in combination with existing data must be sufficiently comprehensive to address all areas of the suspected disability and any special education needs, whether linked to the disability category or not. If the IEP team determines that no additional data is needed, the special education secretary will notify the student's parent of that determination and the reasons for it, and inform them of their right to request additional assessments. WSD will follow the evaluation procedures outlined in WAC 392-172A.

Parents and school staff are encouraged to work toward consensus, but the school has the ultimate responsibility to determine whether the student has a disability or not. The school will provide the parent with prior written notice of the eligibility decision, as well as a copy of the evaluation report. If the parent disagrees with the eligibility decision, the evaluation team will inform them of their dispute resolution options described in the procedural safeguards.

Evaluation of Transfer Students

If a student is accepted into a 45 school day diagnostic placement while an evaluation process is pending from the sending district, the sending district is responsible for completing the evaluation according to established timelines and criteria. WSD is not responsible for evaluation for eligibility of special education for students during the 45 day diagnostic placement.

Eligibility

The evaluation team and the parent will determine whether or not the student is a special education student.

1. A student is not eligible if the determinant factor is lack of appropriate instruction in reading or math, based upon the state's grade level expectations or limited English proficiency.
2. Eligibility may be determined by documented professional judgment when:
 - a) Properly validated tests are unavailable; or
 - b) Corroborating evidence indicates that results were influenced due to measuring a disability.

The parent will be provided with a copy of the evaluation report and the documentation of determination of eligibility.

Parents will also be provided with prior written notice of the eligibility decision within ten school days of the decision. The special education secretary is responsible for sending the notice.

Students remain eligible for special education services until one of four events occurs:

1. The student is determined through a reevaluation to no longer be eligible for special education;
2. The student has met WSD's high school graduation requirements; or
3. The student has reached age 21. A special education student, whose 21st birthday occurs after August 31, shall continue to be eligible for special education and any necessary related services for the remainder of the school year.
4. The parent or adult student submits a written revocation to consent pursuant to WAC 392-172A-03000(2)(e).

When a special education student is expected to graduate prior to age 21, or when graduation is part of the transition plan, the IEP team will document a student's progress towards achieving course credits towards graduation on the transition portion of the IEP. WSD will provide prior written notice to parents and adult students that the student is expected to graduate and will no longer be eligible for special education services. WSD will also provide the parents and student with a summary of academic achievement and functional performance and recommendations to assist the student with postsecondary goals.

Evaluation Report

Each person conducting an assessment of the student will specify the procedures and instruments used and their results and the significance of findings related to the student's instructional program, including a specification of the factors interfering with performance and the special education and related services needed.

The evaluation team will determine who is most appropriate to develop the evaluation report reflecting the evaluation information. This will be completed before the conclusion of the evaluation period and will, at a minimum:

1. Identify the disability which requires special education and related services, if a disability exists;
2. Discuss assessments and review data supporting conclusions regarding eligibility;
3. Include the additional information required for the specific learning disability eligibility category;
4. Describe how the disability or disabilities affect the student's involvement and progress in the general curriculum;
5. Make recommendations to the IEP team with respect to special education and related services needed, materials or equipment, instructional and curricular practices, student management strategies, the need for Extended School Year (ESY) services and location of services;
6. Include other information, as determined through the evaluation process and parent input;
7. Include the additional information required for the specific learning disability eligibility category;
8. Provide any necessary professional judgments and the facts or reasons in support of the judgments; and
9. Be signed and dated by the evaluation group members certifying their agreement. Any group member who disagrees with the conclusions shall prepare a statement presenting the conclusion.

The special education secretary is responsible for notifying parents of the date, time and location of evaluation meetings by following the procedures in the parent participation section for inviting parents to meetings.

Reevaluations

A reevaluation of a student receiving special education or related services is conducted if academic achievement and functional performance has improved to warrant a reevaluation, if the IEP team suspects that the student may no longer be a student with a disability or if the child's parent or teacher requests a reevaluation. A reevaluation does not occur more than once per year, unless parent and school agree otherwise. A reevaluation must occur at least once every three years, unless parent and school staff agrees that a reevaluation is unnecessary. An agreement that an evaluation is unnecessary shall be confirmed in writing to the parent. The school psychologist will schedule a review of this determination and notify the special education secretary.

Students who turn six who met the eligibility requirements for the disability category of "Developmentally Delayed" (DD) under the criteria for ages three to six years need not be reevaluated at age six under the criteria for six to nine years until three years after their initial evaluation was completed.

Students who were previously eligible under the category "Developmentally Delayed" must be reevaluated before age nine to determine eligibility within another category.

As part of any reevaluation, the IEP team members and other professionals WSD determines appropriate will review existing data that includes:

1. Evaluations and information provided by the parents;
2. Current classroom-based assessment, local or state assessments and classroom based observations; and
3. Observations by other teachers and related services providers' data.

Based on this review the team will determine whether any additional data is necessary to determine:

1. Whether the student continues to be eligible for special education and any necessary related services;
2. The present levels of performance and educational needs; and
 - a) Whether any additions or modifications to the student's program are needed. This review can occur with or without a meeting or through individual review. If the IEP team members and any other persons reviewing the data determine that no further testing is necessary, WSD will notify the parents of this determination, using written prior notice and will inform parents that they have the right to request assessments if they disagree with the determination that additional testing is not necessary. Parent consent is not required if the reevaluation does not require additional testing. If additional testing is needed:
 - b) If additional testing is needed, WSD will request written parental consent for reevaluation and provide prior written notice identifying the areas of assessment.
 - c) If the parents do not return the signed consent form, WSD shall send another letter explaining the need for reevaluation and parent consent and will enclose another consent form and a copy of the prior written notice. In addition, WSD will document its reasonable attempts to obtain consent such as telephone calls, emails, personal contact and other efforts to obtain consent;
 - d) If the parents do not respond to the request for consent, and WSD has documented its reasonable attempts to obtain consent, WSD can proceed with the reevaluation;
 - e) If the parents refuse to consent to the reevaluation, the evaluation group will notify the special education secretary so that WSD can determine whether it will seek mediation in order to obtain consent or request a due process hearing to ask an administrative judge to override the parents' refusal to consent.

After the reevaluation is completed, WSD will invite parents to the eligibility meeting and provide prior written notice of the results of reevaluation to parents in their primary language, indicating one or more of the following:

1. Whether the student continues to be eligible and in need of special education;
2. Present levels of performance and educational needs of the student; and

3. Whether any additions or modifications to the special education and related services are needed to enable the student to meet IEP annual goals and to participate, as appropriate, in the general curriculum.

This notice will occur within ten school days of the eligibility decision. The special education secretary is responsible for sending the notice.

Reevaluation and Graduation

No reevaluation is required when special education eligibility terminates due to graduation from high school with a regular diploma or due to reaching the end of the school year during which the student turned 21. Instead, WSD will provide prior written notice and the IEP team will provide the student with a summary of academic achievement and functional performance including recommendations on how to assist the student in meeting post-secondary goals. This summary will be provided to the student at the time of the final year's IEP.

Independent Educational Evaluations (IEE)

Parents of students eligible for special education, students referred for special education and determined to not be eligible or students determined not to need an evaluation have a right to obtain an IEE at public expense, without unnecessary delay, each time WSD conducts an evaluation of the student.

When parents request an IEE, WSD must decide within 15 calendar days whether or not it agrees to provide it. Any parent request for an independent evaluation should be immediately referred to the assistant principal or principal. The principal and evaluation team shall review the request and determine whether the request is warranted. If WSD agrees to provide an IEE, arrangements will be made promptly. If WSD denies the request to pay for an IEE, it must file for a due process hearing within 15 calendar days of the parent's request. WSD may request mediation as an option after filing the due process hearing. If the parents withdraw their request for an IEE, the due process hearing can be dismissed.

When a parent requests an IEE, WSD must provide parents a list of district criteria and evaluators. If WSD initiates a hearing and a decision is made that WSD's evaluation is appropriate, the parent still has the right to an IEE but not a public expense. A parent is only entitled to one IEE at public expense each time WSD conducts an evaluation with which the parent disagrees.

If the parent obtains an IEE at either public or private expense, any results of the IEE must be considered by WSD if providing FAPE. The IEE may also be presented as evidence at a hearing regarding the student.

The following criteria are established for the selection of an individual to conduct an IEE at public expense. These criteria are established in order to identify the knowledge, experience and qualifications of individuals selected to conduct the evaluations. Any individual selected to conduct either a district evaluation or an IEE must be:

1. Licensed, credentialed or otherwise qualified within the state of Washington or state of residence/practice to perform an evaluation in the specific professional discipline for which an independent evaluation is sought;
2. Knowledgeable and experienced in evaluating children with similar disabilities;
3. Geographically located within the state of Washington; and
4. Available to WSD at a maximum fee which does not exceed by more than 25% the prevailing average for similar evaluations within the state of Washington.

Exceptions to the criteria will be granted only when it can be shown that the unique circumstances of the child or the disability:

1. Make it impossible to identify anyone within the state of Washington who holds the appropriate credentials or experience necessary to conduct the evaluation or;
2. Require a specialized evaluator whose fee exceeds the prevailing average by more than 25% or;
3. Include factors which would warrant an exception in order to obtain an appropriate evaluation.

Individualized Education Programs (IEP)

Transitions of Birth-to-Three Students to Preschool

CDHL/WSD will participate in transition planning conferences, arranged by the designated Part C lead agency and the home school district, for each student to whom Part C services have been provided by CDHL/WSD, and who may be eligible for preschool services. Transition plans will be designed to promote uninterrupted provision of appropriate services to the child.

The Regional Family Resource Coordinator (FRC) and the child's home school district are responsible for the timely execution of transition planning conferences, that are arranged at least 90 days before the student's third birthday, and the CDHL/WSD Early Childhood Specialist will participate in the meeting.

1. Participants will review the child's program options for the period from the child's third birthday through the remainder of the school year;
2. If a student is determined eligible for special education services, the CDHL/WSD Early Intervention Specialist will provide input, upon the request of the home school district, for the development and implementation of the IEP by the student's third birthday. If the third birthday is not during the school year, the home school district may set the IEP start date for the beginning of the school year.

IEP Development

The IEP is the written statement reflecting the implementation of instructional programs and other services for special education students based on the evaluation and student needs.

An IEP must be in effect on or before the initiation of special education services. The IEP must be developed within 30 calendar days after the student's initial determination

of eligibility for special services. IEPs must be updated annually, or revised more frequently if needed to adjust the program and services.

Parent consent is required before the initial provision of special education services. If a parent refuses to consent to the provision of special education services, WSD may not use mediation or due process to override a parent's refusal. When a parent refuses to provide consent the Superintendent will notify the parent that WSD does not have a FAPE obligation to the student. The notification will be documented in the student's file.

WSD will maintain a copy of the current IEP, which is accessible to all staff members responsible for providing education, other services or implementation of the IEP. All staff members will be informed of their responsibilities for its implementation. This includes not only teachers and other service providers, but also bus drivers, playground and lunchroom supervisors, nursing staff and others who may be responsible for the proper implementation. The building principal is responsible for ensuring staff members are knowledgeable about their responsibilities.

IEPs will be implemented without undue delay following IEP meetings, regardless of the payment source for special education or related services.

Parents are members of the IEP team and shall have the opportunity to fully participate. WSD will make sure parents understand the proceedings, including arranging for an interpreter for parents whose native language is other than ASL or English. WSD will also ensure meeting locations are accessible. The academic department is responsible for coordinating interpreters and making arrangements for the meeting location.

WSD will provide parents/guardians with a copy of WSD's *"Isolation and Restraint of Students with IEPs and Section 504 Plans"* policy 3247) when the student's IEP is created.

The IEP team includes:

1. The parent(s) of the student;
2. Not less than one special education teacher, or if appropriate, not less than one special education provider of the student;
3. A representative of WSD, who is qualified to provide or supervise the provision of special education and related services, is knowledgeable about general education curriculum, and is knowledgeable about the availability of WSD resources;
4. An individual who can interpret the instructional implications of the evaluation results;
5. Any other individuals who have knowledge or special expertise about the student. These individuals may be invited by both WSD and the parents, at the discretion of the person making the invitation;
6. The student, when appropriate, or when required; students must be invited when the purpose of the meeting includes discussion of transition needs or services; An agency representative will be invited, if the agency representative can not

attend the meeting, district personnel shall keep the representative informed of the meeting and obtain agency information that will assist in the service provision;

7. The Part C service coordinator or other designated representatives of the Part C system as specified by the state lead educational agency for Part C at the initial IEP meeting for a child previously served under Part C of IDEA. Parents will be notified of the participation of the Part C representative.

The parents and WSD must agree in writing before any of the above team members are excused from all or part of a meeting. If a team member's area of the IEP is being discussed or modified, the parent and WSD must consent to their excusal. The specific team member must provide advance written input for their part of the IEP prior to the meeting. Existing team members may fill more than one of these roles if they meet the criteria for the role.

Sometimes parents do not attend IEP meetings. There will also be times the parents do not agree with the IEP as proposed, and despite attempts to reach agreement on IEP content, the team does not reach agreement. If a parent attends the IEP meeting and agreement is not reached on the IEP, the team shall determine whether another IEP meeting should be scheduled as soon as mutually possible, or whether there is enough information to complete the IEP. When the decision is made that the IEP will be implemented, WSD must send prior written notice of the decisions reached to the parent, including the date the IEP will be implemented.

When the parents do not attend the IEP meeting, despite WSD's efforts to ensure participation, or if the team does not reach agreement, it is WSD's obligation to offer an appropriate educational program. Additionally, WSD will:

1. Have IEP members present sign the IEP (or document participation if any member is unwilling to sign);
2. Send a copy to the parent, and provide the parent prior written notice that WSD intends to implement the IEP;
3. Maintain the documentation of actual or attempted contacts in the student's file when parents do not attend the meeting.

When making changes to an IEP after the annual IEP meeting for a school year, the parent and WSD may agree not to convene an IEP meeting for the purpose of making changes. The parent and WSD must complete a written document indicating the changes and inform IEP team members and appropriate individuals of the changes. If the parent requests that WSD revise the IEP to include the amendments, the Special Education Facilitator (SEF) will revise the IEP.

IEP Preparation and Content:

IEP teams will consider the recommendations in the most recent evaluation to develop the IEP. In developing the IEP, the team should consider:

1. The strengths of the student including the academic, developmental and functional needs of the student and the concerns of the parents for enhancing the education of their child;
2. Whether a behavior plan, including positive supports and possible aversive interventions should be considered;
3. Whether the student with limited English proficiency has language needs;
4. Whether Braille instruction is appropriate for a student who is blind or visually impaired;
5. Whether a student has other language and communication needs; and
6. Whether assistive technology devices or services are needed.

IEP content includes:

1. The student's present levels of academic and functional performance with a description of how the disability(ies) affect the student's involvement and progress in the general curriculum or preschool activities;
2. Measurable academic and functional annual goals for the student (including benchmarks or short term objectives if the student is participating in alternate assessments) that will meet the student's needs resulting from the disability(ies) to enable involvement and progress in the general curriculum or in preschool activities, and will meet the student's other educational needs;
3. A statement of special education services, any necessary related services, and supplementary aids and services based on peer-reviewed research to the extent practicable to be provided to the student and program modifications or supports for personnel so that the student may advance towards annual goals, progress in the general curriculum and be educated and participate with other special education students and non-disabled students and participate in extracurricular and other nonacademic activities;
4. A statement of the extent, if any, that the student will not participate with non-disabled students in general classroom, extra-curricular and non-academic activities;
5. A statement of any individual appropriate accommodations in the administration of state or other approved assessments of student achievement that are needed to measure academic achievement and functional performance of the child on state assessments. If the team determines that the student will not participate in a particular assessment, the IEP will address why the student cannot participate in the regular assessment(s) and why the particular alternative assessment is appropriate for the child;
6. The date for the beginning of services and the anticipated frequency, location and duration of services and modifications;
7. A statement of how the student's progress towards goals will be measured, how the student's parents will be regularly informed of their child's progress towards the annual goals and whether the progress is sufficient to enable the student to achieve the goal by the end of the year. Measurement of the student's progress will be based on data collected as designated on the IEP. The individual responsible for implementing the goal is responsible for maintaining the data

used to measure progress. Information to the parents can be provided through the use of progress reports or report cards or other agreed means, but the information must be provided at least as often as information is provided to students without disabilities;

8. The projected beginning date for the special education and related services;
9. With an IEP that is in effect when the child turns 16, or sooner if the IEP team determines it is appropriate, a statement of needed transition services and any interagency responsibilities or needed linkages. Transition services description must include appropriate measurable postsecondary goals based on age appropriate transition and assessments related to training, education, employment, independent living skills where appropriate; and transition services (including course of study) needed to assist the child in reaching those goals;
10. Aversive interventions, if required, must be provided by trained staff and only considered after the determination has been made that positive interventions alone are not effective. Any questions about the need for or use of aversive interventions should be referred to the assistant principal or principal. When aversive interventions are considered, the IEP team will include a certificated employee who understands the appropriate use of interventions and concurs with the need and shall include a person who works directly with the student. WSD will establish a process for evaluating the effects of the use of aversive interventions, at least every three months during the school year;
11. The procedures by which parents/guardians will be notified of the use of isolation or restraint or a restraint device on their student (*Procedure 3247P: Use of Reasonable Force*);
12. A statement regarding transfer of rights at the age of majority. The IEP case manager will provide prior written notice to the student one year prior to student turning 18 years of age; and
13. Extended school year (ESY) services. The consideration for ESY services is a team decision, based on information provided in the evaluation report and based on the individual needs of a student. ESY services are not limited by categories of disability, or limited by type amount or duration of the services. If the need for ESY services is not addressed in the IEP and ESY services may be appropriate for the student, the IEP team will meet by May 15th to address the need for ESY. Factors for the team to consider when determining the need for ESY may include, but are not limited to: 1) Evidence of regression or recoupment time based on documented evidence; or 2) A documented determination based on the professional judgment of the IEP team including consideration of the nature and severity of the student's disability, the rate of progress and emerging skills.

Transfer Students

Students who transfer from one district to another within the state continue to be eligible for special education and any necessary related services. When a special education student applies to WSD, the admissions team will review the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student, from the school district in which the student was previously enrolled, pursuant to RCW 28A.225.330 and

consistent with applicable Family Education Rights and Privacy Act (FERPA) requirements, and determine appropriate placement options in accordance with the *Admissions for new and former students* (policy 3000). The admissions team and principal in consultation with parents will review the student's IEP to ensure WSD provides appropriate educational services to those listed on the previous IEP until WSD adopts the previous IEP or develops, adopts and implements a new IEP.

Students who transfer to a local school district within the state of Washington and are eligible for services at WSD may apply for admission as outlined in policy 3000. The admissions team will review the application for admission along with the evaluation, eligibility documentation and IEP to determine whether or not the student meets state eligibility and WSD admissions criteria. If the student meets the state eligibility and WSD admissions criteria, follow the procedures described in the previous paragraph. If the student needs to be evaluated to determine eligibility in this state, the principal or designee will notify the parents, obtain consent and evaluate the student for eligibility within 35 school days.

Placement

No student may receive special education and related services without being determined eligible for services, and thus the evaluation process and IEP development precedes a special education placement. When a student has been evaluated and the evaluation team and parent have determined student eligibility and the need for special education and related services, programming decisions must occur. These decisions are made on the basis of information generated through the evaluation and IEP processes. The actual program is considered within the context of least restrictive environment (LRE) and the continuum of placement alternatives (reviewed below). When program decisions are addressed by the IEP team, proper consideration must be given to the LRE. Within the educational setting, the student should be placed, whenever possible:

1. In the school the disabled student would normally attend; and,
2. With non-disabled students in the general educational setting to the maximum extent possible.

Special classes, separate schools or removal of students with disabilities from the general education environment occurs only when the nature or severity of the disability is such that education in the general education classroom with use of supplementary aids and services cannot be satisfactorily achieved.

If the IEP team believes the student will not be successful within the general education classroom, the team will consider:

1. The educational benefits of full-time placement in a regular classroom;
2. The non-academic benefits of such a placement;
3. The effect the student will have on the teacher and other students in the regular classroom; and;
4. The costs of placing the student in the regular classroom.

The degree to which the student is to be integrated into the general classroom setting is dependent upon the identified needs of the student. This placement is to occur unless the nature of the needs is so severe this cannot be satisfactorily achieved, even with supplementary aids and services. If the placement is in another building, the appropriate educational placement will be as close to the student's home as reasonably possible.

Within the nonacademic setting, students will be provided nonacademic and extracurricular activities with non-disabled students. Limits on nonparticipation or conditions of participation must be designated in the IEP.

The placement of each student with a disability will be determined annually, or sooner if appropriate, by the IEP team.

The appropriateness of placement options will be based upon various decisions including:

1. Data-based judgments in IEP development;
2. Judgments (data-based) in determining LRE;
3. The reasonable probability of the placement option(s) assisting the student to attain annual goals and objectives and the quality of services needed; and
4. The consideration of potentially harmful effects upon the student or on the quality of services needed.

Procedural Safeguards

Consent

WSD will obtain informed, written parental consent before:

1. Conducting an initial evaluation;
2. Providing special education and related services to a student; and
3. Conducting a reevaluation if the reevaluation includes administration of additional assessments.

Parental consent is not required to review existing data as part of an evaluation or reevaluation, or to administer a test or other evaluation that is administered to all students unless consent is required of all students' parents.

Informed consent means the parent or adult student:

1. Has been fully informed of all information that is relevant to the activity for which WSD is asking consent, and that the information is provided in his or her native language or other mode of communication;
2. Understands and agrees in writing to the activity for which consent is sought and the consent describes the activity and lists any records which will be released and to whom; and
3. Understands that the granting of consent is voluntary and may be revoked at any time. If consent is revoked, the revocation does not negate an action that has occurred after the consent was given and before the consent was revoked.

WSD may not use a parent's refusal to consent to one service or activity to deny the parent or child any other service, benefit or activity of WSD.

If WSD is unable to obtain a parent's consent, WSD may use mediation procedures to obtain a parent's consent or request a due process hearing asking the administrative law judge to override the parent's refusal to consent to an evaluation or reevaluation. WSD may not request a due process hearing to override a parent's refusal to consent to initial special education services.

Revocation of Consent to Provision of Special Education Services

If at any time after the initial provision of special education and related services, the parent revokes consent for the continued provision of special education and related services, in writing, WSD will provide the parent written notice in accordance with WAC 392-172A-05015 before ceasing the provision of special education services. The written notice will be documented in the student's file. WSD may not use the due process procedures in order to obtain agreement or a ruling that services may be provided to the student. WSD will cease providing services the date the written notice is provided and will no longer have a FAPE obligation to the student.

Notice of Procedural Safeguards

In addition to protections provided to parents of eligible students, parents also have procedural safeguard protections when a student's identification, evaluation or placement is at issue. WSD shall provide a copy of the procedural safeguards notice to the parents of eligible special education students and students referred for special education and adult students one time a year and:

1. Upon initial referral or parent request for evaluation;
2. Upon receipt of the parent's first state complaint and first request for due process hearing in a school year;
3. Upon a disciplinary action that will result in a disciplinary change of placement;
and
4. Upon request by the parent.

The procedural safeguard notice used by WSD includes a full explanation of all the procedural safeguards relating to independent educational evaluation, prior written notice, parental consent, access to educational records, discipline procedures for students who are subject to placement in an interim alternative educational setting, requirements for unilateral placement by parents of children in private schools at public expense, state complaint procedures, mediation, the child's placement during pendency of due process proceedings including requirements for disclosure of evidence, due process hearings, civil actions and attorney's fees. Copies of WSD's special education procedural safeguards are available at the Office of the Superintendent, Washington School for the Deaf, 611 Grand Blvd, Vancouver, WA 98661, or on WSD's website at www.wsd.wa.gov

Prior Written Notice

Prior written notices are provided to parents when WSD makes a decision relating to a student's identification, evaluation, placement or provision of a FAPE. Prior written notices document the decisions made by the IEP teams and evaluation group.

WSD will provide prior written notice to the parent of an eligible student or of a student referred for a special education evaluation whenever WSD proposes or refuses to initiate or change the identification, evaluation, educational placement or provision of a FAPE to the student.

The prior written notice will include:

1. A statement that the parents of a special education student have procedural safeguard protections and if a copy of the procedural safeguards do not accompany the notice, a statement that describes how a copy of the statement of procedural safeguards may be obtained;
2. A description of the action proposed or refused by WSD;
3. An explanation of why WSD proposes or refuses to take the action and a description of other options that WSD considered and the reasons why the options were rejected;
4. A description of any other factors which are relevant to WSD's proposal or refusal;
5. A description of each evaluation procedure, test, record or report WSD used as a basis for the proposal or refusal;
6. A description of any evaluation procedures WSD proposes to conduct and sources for parents to contact to obtain assistance in understanding the procedural safeguards provision of this chapter.

Prior written notice and the notice of procedural safeguards must be provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, WSD will take steps to ensure that the notice is translated orally or by other means to the parent. This may involve:

1. Arranging for an interpreter if English or ASL is not the native language of the parent; or
2. Providing notice orally/visually if the native language is not a written language.

WSD will document in writing how this information was provided and that the parent understands the content of the notice. The building principal/designee is responsible for notification.

Transfer of Educational Rights to an Adult Student

When a student eligible for special education reaches the age of 18, all educational rights under Part B of the IDEA, previously exercised by the parent, transfer to the student, unless the student is determined incapacitated in a guardianship proceeding or

the school has appointed an educational representative for the student. When the student turns 18, WSD will notify the parent and student that the educational rights have transferred to the student and will send any required notices to the adult student. The IEP case manager is responsible to notify parent and adult student.

At an IEP meeting occurring one year before the student turns 18, WSD will inform the parents and the student that educational rights will transfer to the student and WSD will inform the student about those educational rights. This information will be documented on the IEP.

Appointment of an Educational Representative

A student over the age of eighteen is presumed to be capable of making educational decisions and able to provide informed consent unless he or she is determined to be "incapacitated" through a legal guardianship proceeding. If a parent, another interested party, or WSD believes that a student over the age of eighteen is unable to provide informed consent or to make education decisions, and the student does not have a legal guardian, the parent or other interested party may ask WSD to appoint an educational representative. This determination will only be made if two separate professionals state that they conducted an examination and interviewed the student, and conclude the student is incapable of providing informed consent. The WSD will inform the student of the decision and appoint either, the spouse, the student's parents, another adult or a surrogate educational representative to represent the student. The appointment of the educational representative will continue for one year.

The student or other adult may challenge the certification at any time. If a challenge occurs, the WSD will not rely on the education representative, until the representative is recertified.

Confidentiality and Records Management

The superintendent is responsible for maintaining the confidentiality of personally identifiable information pertaining to special education and all other students. The superintendent will maintain, for public inspection, a current list of the names and positions of district employees who have access to personally identifiable information of special education students. WSD will provide parent and adult students, upon request, a list of the types and locations of educational records collected, maintained or used by WSD.

WSD will provide instruction annually to employees collecting or using personally identifiable information on the procedures to protect the confidentiality of personally identifiable information. The training will address the protections outlined in WAC 392-172A, state law and federal regulations implementing the Family Educational Rights and Privacy Act, FERPA, (34 CFR Part 99).

Upon request, the parent(s) of a special education student or adult student will be afforded an opportunity to inspect, review and challenge all educational records which shall include, but not be limited to, the identification, evaluation, delivery of educational

services and provision of FAPE to the student. WSD shall comply with the request promptly and before any meeting regarding an IEP or hearing relating to the identification, evaluation, educational placement of the student or provision of FAPE to the student, including disciplinary proceedings. In any case, WSD shall respond no more than 45-calendar days after the date WSD received the request. If an educational record includes information on more than one student, the parents (and/or adult student) may only inspect and review information relating to their child. School personnel receiving requests for educational records will immediately forward the request to the building principal.

If parents believe information in an education record is inaccurate or misleading or violates the privacy or rights of the student, they may request that WSD amend the information. *Student Records* (policy 3231 and procedure 3231), describes the process and timelines for challenges and hearings regarding student records.

WSD follows the guidelines for records retention outlined in the Secretary of State's, *General Records Retention Schedule and Records Management Manual*. WSD shall inform parents or adult students when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the student. The information shall be destroyed at the request of the parent(s) or adult student, or will be provided to the parent or adult student upon their request. However, a permanent record of the student's name, address and phone number, his or her grades, attendance, record, classes attended, grade level completed and year completed will be maintained without time limitation.

Records management is also governed by *Preservation and Production of Electronic Records* (policy 4040 and procedure 4040P).

Surrogate Parents

A surrogate parent is a person appointed by the school district to act on behalf of a student to help ensure the rights of the student to a FAPE when a parent cannot be identified, the whereabouts of the parent are unknown or the student is a ward of the state and does not have a foster parent.

The principal is responsible for determining the need for appointment of a surrogate parent.

Natural or adoptive parents, foster parents, persons acting in the place of a parent such as stepparents or relatives and persons with legal custody or guardianship are considered parents. Students who are homeless and not living with a parent may need a surrogate parent.

The following is guidance for WSD to follow to assist in determining the status of the parent's rights to make educational decisions:

In cases where the student is in out-of-home care WSD must determine the legal custodial status of the child.

1. Parents who have voluntarily placed their child in state placement still retain legal custody of the child and retain the right to make educational decisions. In this situation the student is not a ward of the state.
2. Parents whose children are placed in group care, pending a determination of "dependency" may still retain rights to make educational decisions unless otherwise ordered by the court.
3. When a disposition order and order of dependency is issued, the state becomes the legal as well as physical custodian of the child. Parents may no longer have the right to make educational decisions during this stage of dependency.
4. Parents whose parental rights are terminated no longer have the right to make educational decisions on behalf their child.

When a student is placed in foster care the foster parent may act as the parent. When a student is placed in group care, WSD will work with the parents, case-worker(s), foster parents and others who have knowledge of the student's legal status in order to determine the need for appointment of a surrogate.

When selecting a surrogate parent, WSD will select a person willing to participate in making decisions regarding the student's educational program, including participation in the identification, evaluation, placement of and provision of FAPE to the student.

If a student is referred for special education or a special education student transfers to WSD who may require a surrogate parent, the principal will be notified of the potential need. The principal or designee will then select a trained individual who can adequately represent the student to ensure that all student rights are observed.

The person selected as a surrogate:

1. Must have no interest that conflicts with the interests of the student he or she represents;
2. Must have knowledge and skills that assure adequate representation of the student; and
3. May not be an employee of a school district and/or other agency which is involved in the education or care of the student. This includes OSPI, DSHS, district employees and group care providers.

WSD will at a minimum, review with the surrogate parent procedural safeguards, parent involvement in the special education process, parent education publications and special education regulations. WSD will also cooperate with other districts, the ESD or OSPI in training surrogate parents and in establishing a list of persons willing and able to serve as surrogate parents.

Mediation

The purpose of mediation is to offer both the parent and WSD an alternative to a formal due process hearing. Mediation is voluntary and requires the consent and agreement of

both parties. Mediation cannot be used to deny or delay access by a parent to a due process hearing. Mediation is used to resolve disagreements concerning the identification, evaluation and delivery of educational services or provision of a FAPE to a special education student. Mediation may be terminated by either party at any time during the process.

The primary participants are the parents, school representatives and mediator. The process is voluntary, confidential and informal. It is a collaborative process, conducted in a non-adversarial manner. Mediation services will be provided by the Office of Superintendent of Public Instruction (OSPI) at no cost to either party.

The superintendent of WSD is responsible for coordinating requests for mediation. If a parent requests mediation, notify the principal and the superintendent. The superintendent will respond to the parent and coordinate with OSPI's contracted agent. Staff members are reminded that discussions that occur during the mediation process are confidential.

One person designated by WSD to attend the mediation must have authority to bind WSD in any agreement reached through mediation.

Due Process Hearing

Both parents and schools may file due process hearings involving the identification, evaluation, placement or provision of FAPE to a student. IDEA requires that specific information be provided as part of a due process hearing request. The requirements are identified in the notice of procedural safeguards. If parents request information about how to file a due process hearing, WSD will provide the parent with a due process hearing request that contains the required information. Due process hearing request forms are available in the superintendent's office and on the OSPI Special Education and Administrative Resources Web site.

If any staff receives a request for a due process hearing, a copy of the request should be immediately forwarded to the superintendent. If the parent has not filed the request for hearing with OSPI, WSD will forward the parent request to OSPI Administrative Resources Section. WSD may not delay or deny a parent's due process hearing request. Parents are entitled to a copy of the notice of procedural safeguards if this is the first due process hearing in a school year. The superintendent at WSD is responsible for providing the parents a copy of the procedural safeguards in this situation and documenting that the safeguards were provided to the parent.

When a parent files a due process hearing, the student remains in the placement at the time of the request for hearing unless the parents and district agree to a different placement. See the discipline section below for placements when a disciplinary action is challenged.

When parents file a request for a due process hearing, the superintendent will immediately schedule a resolution meeting. The meeting must occur within 15 days

after a parent request for hearing or seven days if the hearing request involves an expedited hearing regarding discipline. The superintendent will determine the appropriate school staff that will attend the resolution meeting. WSD will ensure that one of WSD representatives attending the resolution meeting has authority to bind WSD in any resolution agreement. WSD will not bring legal counsel to a resolution meeting unless the parent is bringing an attorney to the meeting.

Any resolution agreement reached will be documented in writing and is binding on the parties. The document will inform the parent of their right to void the agreement within three business days of signing the agreement.

Discipline

Students eligible for special education may be disciplined consistent with the disciplinary rules that apply to all students. WSD shall determine on a case by case basis whether discipline that is permitted under WAC 392-400 should occur. However, students eligible for special education must not be improperly excluded from school for disciplinary reasons that are related to their disability or related to WSD's failure to implement a student's IEP. WSD shall take steps to ensure that each employee, contractor and other agents of WSD responsible for education or care of a student is knowledgeable of special education disciplinary rules.

Removal Up to Ten Days

The principal or designee may order the removal of a special education student from a current placement. WSD need not provide services to a special education student removed from the current placement for ten school days or less in any school year.

Removal for More than Ten Days

Once a student has been removed from placement for a total of ten school days in the same school year, WSD must, during subsequent days of removal, provide appropriate services to the extent necessary to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The principal, in consultation with one or more of the student's teachers, shall make the determination of such necessary services.

If the IEP team members described in the manifestation determination section determine that the behavior is not a manifestation of the student's disability and the removal is a change of placement, WSD may apply the same disciplinary measures that apply to students attending WSD. However, the student must continue to receive services to the extent necessary to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The relevant IEP team members, selected by the parent and WSD, shall determine appropriate services.

Change in Placement

A change of placement occurs when a special education student is:

1. Removed from current placement for more than ten consecutive school days in a school year; or
2. Subjected to a series of removals in a school year and which constitute a pattern of removal because:
 - a) The series of removals total more than ten school days in a year;
 - b) The student behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - c) Because of factors such as the length of each removal, the total amount of time a student is removed, and the proximity of the removals to one another.

Whether a pattern of removal constitutes a change in placement is determined on a case-by-case basis by the principal and superintendent and is subject to review through due process and judicial proceedings.

Manifestation Determination

Within ten school days after the date on which the decision to change the placement is made, WSD shall conduct a "manifestation determination" of the relationship between the student's disability and the behavior subject to the disciplinary action.

The review of the relationship between a student's disability and the behavior subject to the disciplinary action shall be done in a meeting by the parent and relevant members of the IEP team who are selected by the parent and WSD. The principal is responsible for contacting the parent and convening the IEP team and provide notice to the parent. The team shall review all relevant information in the student's file, including the IEP, teacher observations and information provided by the parent to determine:

1. If the conduct was caused by or had a direct and substantial relationship to the child's disability; or
2. If the conduct in question was the direct result of WSD's failure to implement the student's IEP.

If the team determines that the behavior resulted from any of the above, the behavior must be considered a manifestation of the student's disability and the contemplated disciplinary action shall not proceed.

If the team determines, specifically, that the conduct was the direct result of WSD's failure to implement the IEP, WSD must take immediate action to remedy the deficiencies.

If the IEP team determines that the conduct was a manifestation of the student's disability, the team must:

1. Conduct a functional behavioral assessment (unless already completed) and implement a behavioral intervention plan; or
2. Review the existing behavioral intervention plan and modify it to address the behavior; and

3. Return the child to the placement removed from unless the parents and WSD agree a change is necessary as part of the behavioral intervention plan, or unless the infraction involves drugs, weapons or bodily harm.

Special Circumstances

The Executive Director, Superintendent, Principal or Director of Residential Services may order a change in placement to an appropriate interim alternative educational setting for not more than 45 school days, if a WSD student:

1. Possesses a "dangerous weapon" or carries such a weapon to school or to a school function; or
2. Knowingly possesses or uses "illegal drugs" while at school or a school function; or
3. Sells or solicits the sale of a "controlled substance" while at school or a school function.
4. Inflicts serious bodily injury upon another person while at school or a school function. Serious bodily injury means a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Any interim alternative educational setting in which the student is placed is determined by the student's IEP team and will:

1. Be selected so as to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
2. Include services and modifications designed to address the behavior or to prevent the behavior from recurring.

WSD may ask an administrative law judge, or seek injunctive relief through a court having jurisdiction of the parties, to order a change in placement to an appropriate interim alternative educational setting for not more than 45 calendar days or seek injunctive relief through a court having jurisdiction of the parties when:

1. WSD can demonstrate beyond a preponderance of the evidence that maintaining said student's current placement is substantially likely to result in injury to the student or others;
2. WSD has made reasonable efforts to minimize the risk of harm in the current placement, including the use of supplementary aids and services; and
3. The proposed interim alternative educational setting has been proposed by school personnel in consultation with the student's special education teacher and meets the requirements of WAC 392-172A-5145(3), (4) (e) and (7).

Unless the parent and WSD agree otherwise, if a parent requests a hearing to challenge either the manifestation determination or the interim alternative educational setting, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45 day period, whichever occurs first.

Basis of Knowledge

A student who has not been determined eligible for special education services may assert the protections if WSD had knowledge that the student was a eligible for special education before the behavior that precipitated disciplinary action occurred.

WSD is deemed to have knowledge if:

1. The parent expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to WSD supervisory or administrative personnel or a teacher that the student is in need of special education and related services;
2. The parent requested that the student be evaluated for special education services; or
3. The teacher or other school personnel has expressed specific concern about a pattern of behavior demonstrated by the student to the director of the special education department or to other supervisory staff.

If instituting disciplinary action that would exceed ten days and the principal believes that one or more of these events applies to the student, the principal will notify the special education department to determine the appropriate disciplinary procedures.

WSD is not deemed to have knowledge if, as a result of receiving the information described above, WSD either:

1. Conducted a special education evaluation of the student and determined that the student was not eligible for services; or
2. The parent of the student has not allowed an evaluation of the child or has refused services.

If WSD is not deemed to have knowledge that a student is a special education student, the student may be disciplined as a student without disabilities who engages in comparable behaviors. WSD shall conduct an evaluation, which is requested during the time period such a student is subjected to disciplinary measures, in an expedited manner. Until the evaluation is completed, such a student shall remain in the educational placement determined by WSD, which can include suspension or expulsion without educational services.

Notwithstanding the foregoing, WSD may report a crime committed by a special education student to appropriate authorities. In the event of such a report, WSD shall ensure that copies of the student's special education and disciplinary records are transmitted for consideration by the appropriate authorities to whom the crime is reported; to the extent transmission of the records is permitted by the Family Educational Rights and Privacy Act (FERPA).

Staff Qualifications

All employees of CDHL/WSD funded in whole or part with state or federal excess special education funds will meet the standards established by the State Board of Education (SBE) and defined in WAC 392-172-A-02090.

All employees will hold such credentials, certificates or permits as are now or hereafter required by the SBE for the particular position of employment and shall meet such supplemental standards established by CDHL/WSD.

There may be occasions when, despite efforts to hire or retain highly qualified teachers, CDHL/WSD is unable to do so. Under WAC 392-172-A-02090(2), the following options are available in these situations:

1. Teachers who meet state board criteria pursuant to WAC 18-82-110(3) as now or hereafter amended, are eligible for a pre-endorsement waiver. Application for the special education pre-endorsement waiver shall be made to the special education section at the Office of the Superintendent of Public Instruction.

All special education teachers providing, designing, supervising, evaluating or monitoring the provision of special education shall possess "substantial professional training." This shall be shown by the issuance of an appropriate special education endorsement on an individual teaching certificate issued by the superintendent of public instruction.

In the event a special education teacher does not have a certificate endorsed in special education, a district may apply for a pre-endorsement waiver through the special education section of the OSPI. To qualify for the special education pre-endorsement waiver, the teacher must meet SBE criteria.

If CDHL/WSD must temporarily assign a classroom teacher without a special education endorsement to a special education position, the Human Resources Manager will document in writing that:

1. CDHL/WSD is unable to recruit a teacher with the proper endorsement who was qualified for the position; and/or
2. The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practical; and/or
3. The reassignment of another teacher within CDHL/WSD would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned to the other teacher.

If one or more of these criteria can be documented and CDHL/WSD determines that a teacher has the competencies to be an effective special education teacher and the teacher has completed six-semester hours or nine-quarter hours of course work which

are applicable to the special education endorsement, CDHL/WSD can assign the teacher to special education in compliance with the process for making out-of-endorsement assignments and reporting them to the state.

Classified staff will present evidence of skills and knowledge necessary to meet the needs of students with disabilities. CDHL/WSD will provide training to classified staff to meet the state recommended core competencies.

Personnel Development

In order to provide a staff development program to improve the quality of instructional programs, the following procedures will be employed:

1. Special education concerns will be identified through a staff needs assessment completed by administrators, teachers, educational staff associates, program assistants, parents and volunteers;
2. Training must be provided annually to all personnel who may be providing aversive interventions under a student's IEP;
3. In-service training schedules will be developed based upon the results of WSD assessment and in support of needs identified;
4. Training activities may be conducted for deaf education and special education staff, staff of other agencies and organizations and private school staff providing services for special education student; and
5. Training for classified staff in the state recommended core competencies will occur through education reform training opportunities.

Public Participation

Any application and any required policies, procedures, evaluations, plans and reports are readily available to parents and other members of the public through the principal's office and the office of the superintendent. A notice regarding the availability of such documents will be placed on the WSD website www.wsd.wa.gov.