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| REFERRAL/PRE-REFERRAL ADMINISTRATIVE PROCEDURE | | File: IHBAA-R |
| Section: I Instructions | Adopted: 1/30/14 | Last Revised: |

Teachers who are making a referral shall do so by contacting the Coordinator of Special Education and of Student Support Services and by filling out the appropriate referral forms. Parents may at any time refer their child to the IEP Team if they believe the child may be in need of special services. Parents should contact the child’s teacher to make that referral. School professionals who are informed by parents or others of a desire to refer a student should immediately direct that person to the principal for initiation and discussion of the referral process. The school professional should also document in writing the contact with the parent or other person and should immediately forward that documentation to the principal.

Once a referral has been made, the IEP members have 15 school days to review any existing evaluation data and to determine what evaluations may be needed as part of the referral process. That review may occur either at a IEP meeting or through other discussions that fully include the parent. If IEP members are unable to reach agreement on necessary evaluations outside of an IEP meeting, a IEP meeting shall be held to discuss the issue.

Within 15 school days of receiving the referral, MECDHH/GBSD should send to the parent/guardian a consent for initial evaluation form. When the school receives that consent form back from the family with the appropriate signatures, the local school unit has 45 school days to complete the evaluation and to hold an IEP meeting to determine whether the student qualifies for special education services. If the student is identified as a child with an additional disability in need of special education, the IEP should develop an Individualized Education Program for that child within 30 days of the determination that the student is eligible.

Transfer students who have already been identified as in need of special services shall on transfer and with prior written notice to the parent be provided with special education consistent with the IEP developed at the prior school, and shall be referred to the IEP to review the program. If the transfer student’s current IEP from his/her prior school unit is not available or is believed to be inappropriate by either the parent or the school, the school should develop a new IEP through appropriate procedures within a short time after the student enrolls at the school.

Upon enrollment in public school, a student who was being served by the CDS system shall be treated by the local school unit in the same manner as are transfer students under the state special education regulations, except that the student’s Individual Family Service Plan from CDS will be considered as his/her current IEP until such time as a IEP Team meets to alter or amend that program. Placement, however, will be in the public school system rather than at the site provided by CDS.

Pre-referral Strategies

Professional school staff members who observe that a student is encountering academic, social or emotional difficulties in school that interfere with the student’s education shall document those specific difficulties on a Pre-Referral Checklist.

The school staff member shall then develop an intervention strategy, using the intervention checklist that accompanies the pre-referral checklist. The staff member may consult with other school employees and/or the student’s parents in developing the intervention strategy. The intervention strategy shall have an established time period for implementation, and at the end of that time, its success shall be assessed and documented at the bottom of the intervention checklist. If the intervention strategy fails to resolve satisfactorily the difficulties that were interfering with the student’s education and the staff member suspects that the student may be in need of additional special education services, the staff member shall refer the student to a IEP Team in accordance with the referral process noted above.

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Parental Notice

In addition to other requirements for parental notification, MECDHH/GBSD shall notify parents in writing consistent with state special education regulations whenever their child has been referred to the IEP Team and shall notify parents whenever their child has demonstrated educational difficulties that have led to completion by a staff member of the pre-referral checklist and intervention strategy checklist.

That notification of pre-referral interventions should include copies of the completed checklists and shall request that the parents contact the staff member who has completed the documents. That notification shall also inform parents that they have a right to refer their child directly to the IEP Team if they suspect that their child may need additional special education services. MECDHH/GBSD may advise the parents as to why it may be appropriate to have the child participate in the intervention strategies prior to a referral to the IEP Team, but the local school unit shall not reject or delay the referral until the intervention strategies have been tried if the parent requests that the school proceed immediately with the referral. The school shall document the parent’s decision.

That notification shall also inform the parents that they have a right to request a due process hearing from the Maine Department of Education in response to any refusal by the school to proceed with their request to refer their child to the IEP Team

Legal Reference: 20 USC § 1400(c)(5)(F)
 34 CFR Part 300, App. A., Q. 17 (Mar. 1999)
 Ch. 101 §§ 7.7, 9.8, 9.17 (Nov. 1999) (Me. Dept. of Ed. Rules)