

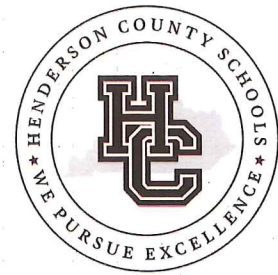
# HENDERSON COUNTY SCHOOLS

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Dr. Bob Lawson, Superintendent



March 7, 2023

TO: Superintendent - Dr. Bob Lawson and Board Members - Thomas Alves, Joe McGarrh, Wesley Smith, Mike Waller, Tracey Williams

FROM: Director of Special Education - Kris Mayes

RE: Special Education District Procedures Amendments

Amendments were made to 707 KAR 1:340 (3) and (4) which became effective July 1, 2022. The amendments were made in order to clarify the difference between an Admissions and Release Committee (ARC) meeting notice and prior written notice to parents. The amendments also clarify the content of the notices and establish the timeframes in which each notice must be provided to parents.

As a result of these amendments, our district's current special education procedures will need to be amended to reflect these changes. Attached you will find the corresponding sections (Pg 54-55) for these amendments. I request the Board's approval to amend the Special Education Procedures.

### **Section 3. ARC Meeting Notice to Parents.**

- (1) The appropriate HCSD Representative shall provide written notice, which may be by email if the parent and the HCSD agree (parent agreement shall be documented by the appropriate HCSD representative, or designee) to the parents of a child with a disability.
- (2) Except for meetings concerning a disciplinary change in placement or a safety issue, the HCSD representative shall provide written notice to the parents of a child with a disability at least seven (7) days before an ARC meeting in which the HCSD:
  - (a) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
  - (b) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
- (3) The appropriate HCSD representative shall provide written notice to the parents of a child with a disability at least twenty-four (24) hours before an ARC meeting concerning a safety issue or a change in placement due to a violation of a code of student conduct.

### **Section 4. Prior Written Notice to Parents**

- (1) The HCSD shall provide written notice to the parents of a child with a disability within a reasonable time before the LEA implements:
  - (a) A proposal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
  - (b) A refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
- (2) Notice to Parents after ARC Meeting:

The HCSD Representative shall give notice of proposed or refused action to the parents at the end of each ARC meeting if a parent attends, or by mailing the notice (which may consist of the meeting summary) to parents who did not attend the meeting within 5 calendar days after the meeting. The proposed action may be implemented immediately if parents received notice in the meeting and within 5 school days after the meeting if no parent attended the meeting, and if no due process hearing has been requested challenging the proposed or refused action.

- (3) This Prior Written Notice shall include:
- (a) A description of the action proposed or refused by the HCSD;
  - (b) An explanation of why the HCSD proposes or refuses to take the action;
  - (c) A description of any other options that the HCSD considered and the reasons why those options were rejected;
  - (d) A description of each evaluation procedure, test, assessment, record, or report the HCSD used as a basis for the proposed or refused action;
  - (e) A description of any other factors that are relevant to the HCSD's proposal or refusal;
  - (f) A statement that the parents of a child with a disability have protection under the procedural safeguards in 707 KAR Chapter 1 and 34 CFR Section 300.504 and IDEA, including the time period in which to file a complaint or due process hearing, the opportunity for the HCSD to resolve the complaint or hearing issue(s), the time period in which to file civil actions, and if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained; and
  - (g) Sources for the parents to contact to obtain assistance in understanding the provisions of this section.
- (4) The notice shall be written in language understandable to the general public and provided in the native language or other mode of communication of the parent unless it is clearly not feasible to do so. If the native language of the parent is not a written language, the HCSD shall take steps to ensure:
- (a) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
  - (b) That the parent understands the content of the notice: and
  - (c) That there is written evidence that the requirements of (a) and (b) in this subsection have been met. The native language of the parent of a child is the definition of native language used in 707 KAR 1:280.
- (5) The appropriate HCSD Representative, after consulting with the DoSE, obtains the necessary translation or interpretation, if feasible. The HCSD Representative keeps copies of all