

English Language Learners (ELL)

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Request for Legal guardian Interpreter Services or Disability Accommodations

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Request for Legal Guardian Interpreter Services or Disability Accommodations

Professional interpreter services may be requested at any time for legal guardians of students by contacting the Special Programs Manager, Paige Rapson, at prapson@k12.com. Additionally, if any legal guardian has a disability or, other limitation that would impact their ability to participate fully in their child's educational planning process, TNVA and TNVHS would be happy to discuss accommodations that may be available to maximize the legal guardian's participation. Individuals seeking to discuss accommodations for this reason may contact Ms. Paige Rapson at prapson@k12.com

Procedural Safeguards

The Individuals with Disabilities Education Act (IDEA) requires all educational agencies provide legal guardians of students with disabilities notice containing a full explanation of the procedural safeguards available under the IDEA and U.S. Department of Education regulations. See TNVA's & TNVHS's procedures here:

https://www.tn.gov/content/dam/tn/education/reports/331816_notice_proc_safeguards.pdf

Annual Public Notice of Special Services & Programs

In accordance with federal and state regulations, TNVA & TNVHS will provide an annual public notice to families informing them of TNVA's & TNVHS's Child Find responsibilities which include procedures involved in the identification of educational disabilities and determination of students' service and support needs.

Families are encouraged to review the following information that describes these regulations.

Child Find

TNVA & TNVHS strive to identify, locate, and evaluate all enrolled children who may have disabilities. Disability, as stated in IDEA, includes such conditions as hearing, visual, speech, or language impairment, specific learning disability, emotional disturbance, cognitive disability, other health or physical impairment, autism, and traumatic brain injury. The process of identifying, locating, and evaluating these children is referred to as *Child Find*.

As a public school, we follow federal and state mandates requiring the provision of a Free Appropriate Public Education (FAPE) to each child regardless of a child's disability or the severity of the disability. In order to comply with the Child Find requirements, TNVA & TNVHS will implement procedures to help identify, locate, and evaluate students, including those who are homeless or wards of the state, in need of special education and related services.

Legal guardian permission and involvement is a vital piece in the process. Once a student has been identified as having a suspected disability or disability, TNVA & TNVHS will ask the student or the student's legal guardian for information about the child such as:

- How has the suspected disability or identified disability hindered the student's learning?
- What has been done, educationally, to intervene and correct the student's emerging learning deficits?
- What educational or medical information relative to the suspected disability or identified disability is available to be shared with the school?

This information may also be obtained from the student's present or former teachers, the student's school records, as well as from doctors' therapists, or other agencies pending the legal guardian's written consent.

As part of the Child Find process, some services may include a complete evaluation, an individualized education program designed specifically for the child, and a referral to other agencies providing special services.

Consent

TNVA & TNVHS cannot proceed with an evaluation, or with the initial provision of special education and related services without the written consent of a student's legal guardian. Please refer to the Procedural Safeguards Notice which can be found at the TN DOE website, https://www.tn.gov/content/dam/tn/education/reports/331816_notice_proc_safeguards.pdf or by

accessing the link via the Child Find section of the TNVA & TNVHS website for additional information regarding Procedural Safeguards. Once written legal guardian consent is obtained, TNVA & TNVHS will proceed with the evaluation process. If the legal guardian disagrees with the evaluation results, the legal guardian can request an independent education evaluation at public expense.

Special Education (IEP) or Service Agreements (504 Plans)

Once the evaluation process is complete, a team of qualified school personnel, legal guardians, and other relevant service providers hold an evaluation determination meeting to come to agreement on whether the student meets eligibility for one of the disability categories under IDEA, <https://www.tn.gov/education/student-support/special-education/special-education-evaluationeligibility.html> for information related to eligibility criteria associated with the disability categories defined under IDEA). If the student is eligible and requires specially designed instruction, an Individualized Education Plan (IEP) will be coordinated; during which the IEP team will review and finalize the proposed details of an appropriate educational program to meet the student's documented needs.

For students confirmed with present special education needs, once the IEP team agrees on the IEP and the student's educational placement, a Prior Written Notice (PWN) will be sent to the legal guardian for signature. This must be signed and returned to either TNVA or TNVHS depending on which school the student is currently enrolled. TNVA & TNVHS can only proceed with implementing the student's IEP (or 504 Plan) upon receipt of the signed PWN. Some students are found to present one or more disability, but do not meet the eligibility criteria outlined under IDEA (special education); however, their disability may still require TNVA or TNVHS to develop a 504 Service Agreement (504 Plan) to outline the special provisions a student may require for adaptations and/or accommodations in school-based instruction, facilities, and/or activities.

Students may be eligible to certain accommodations or services if they have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program and otherwise qualify under the applicable laws. TNVA & TNVHS provide qualified students with disabilities equal opportunity to participate in the school program and activities to the maximum extent appropriate for each individual student. In compliance with applicable state and federal laws, TNVA & TNVHS will provide students with disabilities the necessary educational services and supports they require to access and benefit from their educational program. This is done without discrimination or out of pocket cost to the student or family for the essential supplementary aids, services or accommodations determined to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate to the student's abilities and to the extent required by law.

Legal guardians have the right to revoke consent for services after initial placement. Please note, a revocation of consent removes the student from ALL special services and supports outlined on the IEP or 504 Plan, https://www.tn.gov/content/dam/tn/education/legal/legal_section_504_guide.pdf

Privacy & Confidentiality

To maintain privacy of students' special education records, both within its central office and across school systems and databases, both TNVA and TNVHS follow protocols consistent with the federal regulations associated with the Family Educational Rights and Privacy Act (FERPA), <https://www.tn.gov/education/legal-services/civil-rights.html>.

Accommodations

Notice of these rights is available, upon request, on audiotape, in Braille, and in languages other than English. Should you need further assistance or information regarding any of these accommodations, please contact Lindsey Hays, ESL Coordinator, lhays@k12.com any member of your student's TNVA or TNVHS team for guidance.

Translation Needs

Professional interpreter service may be requested at any time for legal guardians of students by contacting Paige Rapson @ prapson@k12.com.

Grievances or Disputes

TNVA & TNVHS recognize that despite best intentions of all parties, disagreements or miscommunications may arise between the school-based team and families and/or students. Should this situation occur, the TNVA & TNVHS special education case manager will initiate an IEP team discussion where the specific details contributing to any educational concern are fully discussed and addressed as the entire team determines what would be the most appropriate course of action to take for the student. Collaboration is a primary focus for this type of meeting and the TNVA & TNVHS Special Education Team seeks to establish and maintain the confidence of its families, to always serve its students, and to maximize students' educational success.

Dispute Resolution Options

- **IEP Facilitation** – IEP facilitation is a voluntary process that can be utilized when all parties to an IEP meeting agree that the presence of a neutral third party would help facilitate communication and the successful drafting of the student's IEP. This process is not necessary for most IEP meetings. Rather, it is most often utilized when there is a sense from any of the participants that the issues at the IEP meeting are creating an impasse or acrimonious climate.
- **Mediation** – A voluntary process in which both parties seek to resolve the issues involved in the concern with an unbiased, third party mediator from the Department of Education. The mediator will write up the details of the agreement that the parties come to through the mediation conference. The agreement is signed by both parties, and thus what the document states is mandated to be implemented. This process is overall less time-consuming, less stressful, and less expensive to complete than a due process hearing.
- **Formal Due Process**
Families are NOT obligated to pursue the above alternatives to due process should they feel their concerns can only be resolved through a formal due process hearing, see <https://www.tn.gov/education/legal-services/special-education-legal-services/legal-disputeresolution-processes.html> for more information regarding due process.