

SOUTHWEST SELPA



PROCEDURAL MANUAL

SOUTHWEST SELPA

PROCEDURAL HANDBOOK & GUIDELINES

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SECTION 1

INTRODUCTION

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Section 1 Introduction

1.1 SOUTHWEST SELPA PHILOSOPHY

The Southwest SELPA believes that all student can learn. Our mission is to support all students in special education with achieving a high level of academic/ functional performance according to national, state and local standards. To assure this outcome, in coordination with its 12 districts and charter school, the SELPA department will provide quality leadership, information, resources and support to students, parents, staff and community. SELPA believes in preparing students, schools and communities for the realities of tomorrow.

1.2 WHAT IS A SELPA

In 1977, all school districts and county school offices were required to form geographical regions of sufficient size and scope to provide for all special education service needs of children residing within the region boundaries. Each region (Special Education Local Plan Area-SELPA) developed a local plan describing how it would provide special education services.

Today, there are approximately 125 SELPA's in the State, ranging in size from those serving fewer than 1,000 students to those serving more than 10,000 students with the most common size between 2,000 and 4,000 students. (A few SELPA's have up to 50,000 students with disabilities, although only five SELPA's have over 10,000). For more information about the Who, What, Where, When and Why of SELPAs please visit: <http://www.cde.ca.gov/sp/se/as/caselpas.asp>

1.3 SOUTHWEST SELPA SERVICES

The Southwest SELPA services approximately 13,000 students in 12 School Districts and 20 Charter Schools. Responsibilities of the SELPA include such things as Ensuring Program Availability for all Children with Disabilities, Curriculum Development and Support, Community Advisory Committee Support, Transition Planning, Legal Assistance, Program Evaluation, Interagency Coordination, Program Coordination, Fiscal Management, Community Awareness, and Staff Development.

The GOAL of the Southwest SELPA is to deliver high quality special education programs and services to the students with disabilities in the most effective, efficient, and cost-effective manner practicable.

Participating Districts:

Centinela Valley UHSD
El Segundo USD
Hawthorne SD
Hermosa Beach City SD
Inglewood USD
Lawndale Elementary SD
Lennox SD
Manhattan Beach USD
Palos Verdes Peninsula USD
Redondo Beach USD
Torrance USD
Wiseburn USD

Participating Charter Schools:

Animo Leadership HS
Animo Inglewood HS
Animo City of Champions HS
Century Academy for Excellence
Century Community for Excellence
Children of Promise Preparatory Academy
Da Vinci Design
Da Vinci Innovation
Environmental HS
Environmental MS
Environmental MS Inglewood
Family First School Inner City Education Foundation
(ICEF) Inglewood Elementary Academy
Inner city Education Foundation (ICEF) Inglewood Middle
Academy Los Angeles International HS
Lennox MSTTA
New Opportunities School
New West
Opportunities for Learning Capistrano
Wilder's Preparatory Academy
Wilder's Preparatory Academy MS



SECTION 2

IDENTIFICATION, REFERRAL,
AND ASSESSMENT

Section 2 Identification, Referral and Assessment

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Section 2 Identification, Referral and Assessment

The Special Education Process

2.1 INTRODUCTION

Our responsibility as educators requires that we provide each student with access to a high quality educational program and the support he or she needs to be able to make educational progress. Collaboration between general education teachers, parents and special education teachers is the ideal way to ensure that increasingly more intense interventions are implemented in general education for a student who needs additional support. When these interventions do not or cannot provide sufficient support for a student, the referral process for special education assessment begins.

Initial assessments allow a more detailed analysis of a student's strength and needs to determine eligibility of special education services. As students continue their educational program, additional assessments, including state, district and special education assessments provide the opportunity to measure student progress and make needed adjustments in services and support. The goal of assessment is twofold: Performance and Progress. Assessment data helps us better understand a student's current level of performance and adjust the educational program to support the student's progress.

2.2 IDENTIFYING AND SERVING STUDENTS ENROLLING IN THE SCHOOL

All schools are responsible for having procedures in place to identify and promptly serve students, who require or may need special services, when they enroll in the school. The following five questions should be asked when a student first enrolls in your district:

1. Did the student receive special education services at his/her previous school?
2. Did the student have an Individualized Education Program (IEP) at his/her previous school?
3. Did the student have a Section 504 Plan at his/her previous school?
4. Does the student have difficulties that interfere with his/her ability to go to school or learn?
5. Has this student been identified for Gifted and Talented Educational services (GATE)?

Office personnel have the responsibility to assist parents, if necessary, to answer the questions and to ensure that all questions are answered. If all questions are answered NO, further follow-up is not required. If any question is answered YES, please contact the Special Education office immediately.

2.3 REFERRALS FOR SPECIAL EDUCATION SERVICES

Parent Requests

Parents or guardians may refer their student for an assessment for special education services. Requests should be made in writing. If a parent or guardian requests an assessment orally, please ask him/her to put the request in writing, if they are able to do so. Assist the parent if they need help putting the request in writing. When a request for assessment is received, the staff member shall immediately inform the school psychologist. **The timeline begins when you receive a signed assessment plan from the parent/guardian.**

Note: *If a parent refers a student, birth to age three, or a student age three or four who is not enrolled in a District preschool program, call, or have the parent call, the Special Education Department. If the request for a special education assessment is received from a parent whose student has been placed by the parent in a private school, follow the District's procedures for serving students with disabilities placed by their parents at private schools.*

Following receipt of a written request for assessment from the parent/guardian, the school psychologist or related service provider has **15 days**, not including school vacations greater than five (5) days, to develop an Assessment Plan and communicate with the parent to review the plan. The parent then has 15 days to return the Assessment Plan with signed consent. If the District determines that an assessment of the student is not appropriate, the parent will receive a written notice of this decision. (See Denying a Parent Request for a Special Education Assessment later in this chapter.) The administrator/designee may discuss with the requestor accommodations or modifications that can be made in the general education program to assist the student's progress in the general education curriculum. A meeting of the Student Study Team, involving the requestor, can be utilized to design the accommodations or modifications. The requestor may agree to postpone their request for a special education assessment until the accommodations or modifications have been implemented and the results evaluated. If a parent agrees to postpone the assessment, assist them in putting their decision in writing. Be sure it is signed and dated. Attach the document to the Request Form and note the decision and date on the assessment form. Return all original documents pertaining to assessment to the District Office so that it can be placed in student's permanent record. **Note:** If they do not agree, the assessment plan must be completed and provided to the parents within 15 calendar days from the day that the formal request was received.

School Staff or Agency Staff Requests

Requests for a special education evaluation of a student by a member of a school or outside agency must be referred to the school's Student Study Team. This will initiate a meeting with the parent and relevant staff to discuss the student's strengths and needs, review data and academic progress, and to determine and implement appropriate interventions prior to a referral for a special education evaluation. The SST then makes the referral for a special education assessment, as appropriate.

2.4 DENYING A REQUEST FOR A SPECIAL EDUCATION ASSESSMENT

The District has the right to refuse a request for a special education assessment if it does not believe the student has a disability requiring special education and related services. The Administrator/designee should exercise this right only when there is evidence that the student is receiving passing grades, progressing from grade to grade, or that their instructional difficulties are the results of factors other than a suspected disability. Parents have the right to a due process hearing to challenge the refusal. At the hearing the District will have to provide evidence to defend its decision. Thus, a decision to deny a request for a special education assessment should only be made when the administrator/designee has documented evidence to support their decision. The evidence should be based on a review of the following:

- Student records, academic history;
- Prior assessments including curriculum-based assessments, standardized tests, and alternative measures and procedures;
- Progress in current program;
- Progress in meeting content standards, including literacy and mathematics;
- Results of State and District assessments;
- Results of proficiency examinations;
- Results of portfolio assessments and student work samples;
- Types and results of academic intervention provided;
- Teacher information and concerns;
- Parent information and concerns;
- Results of situational observations

Denial of Request for Special Education Assessment

Note: A denial can only be made by a Special Education Administrator

If it's decided to deny a request for a special education assessment, the following steps must be taken:

1. The Special Education Administrator will notify the parents in writing of the decision including in the letter the following components:

- A description of the decision made by the school;

- A description of the evaluation procedure, test record, or report used as a basis for the decision;
 - An explanation of why the decision was made;
 - A description of any other options considered and the reason those options were rejected;
 - A description of any other factors relevant to the decision;
 - A statement that parents of a student with a suspected or confirmed disability are protected by procedural safeguards;
2. Attach a copy of the **Procedural Rights and Safeguards Handbook** to the denial letter.
 3. Be sure that the letter is provided to the parent/guardian within 15 days of receipt of the request for a special education assessment.

2.5 ASSESSMENT PLAN

Whenever an assessment for the development or revision of the Individualized Education Program is to be conducted, the parent of the pupil shall be given, in writing, a proposed assessment plan within 15 days of the referral for assessment, not counting days between the pupil's regular school sessions or terms or days of school vacation in excess of five school days from the date of receipt of the referral, unless the parent agrees, in writing, to an extension.

Education Code Section 56321(a)

An Assessment Plan describes the types and purposes of the assessments which may be used to determine the student's eligibility for special education services. Before the student can be assessed, parent must consent to the assessment by signing the Assessment Plan.

A comprehensive Assessment Plan **shall** include consideration of a formal evaluation of the student's physical health, intelligence, academic skills, speech and language abilities, and social affective functioning. All areas of suspected disability must be addressed.

An assessment plan is developed by the school psychologist in collaboration with the parent, the general education teacher(s) and other appropriate staff who may include but are not limited to:

- Special Education Teacher
- Speech Pathologist
- Adapted PE Teacher
- School Nurse
- Occupational Therapist
- Physical Therapist

Developing the Special Education Assessment Plan

Before a student can be assessed for eligibility for special education or reassessed while receiving special education and related services, an assessment plan must be developed and provided to the parents for their approval. **Note:** *If the student has reached age 18, and has not been conserved under State law, they assume all rights, roles, responsibilities, and communication, previously afforded their parents, including receipt and approval of the assessment plan.*

The special education assessment plan describes:

- The reason(s) for the assessment.
- The assessment areas that will be assessed.
- The types of assessments that will be included.
- The types of staff who will conduct the assessments.

It is critical that the Assessment Plan addresses all areas of suspected disability and that the form be correctly completed. In particular, it is important that parents be asked and be provided answers to the following four questions from the Assessment Plan form:

1. Are there outside assessments that have been conducted that the parent would like to have considered as part of the District's assessment? If so, the parent should be requested to provide a copy of the report and/or a Release of Information authorization form.
2. Are there any other areas that the parent/guardian feels should be addressed other than those indicated on the assessment plan?
3. Are there any language or cultural factors that should be considered within the context of the assessment?
4. Is there a need for an alternative assessment due to a physical, sensory or communication disability?

It is important for the assessment team to consider the following questions:

1. Have you obtained information about how the student is involved and progressing in the general curriculum? **Note:** *The assessment plan should not include assessments that are generally administered to students in the class, school, or District.*
2. Are you using a variety of assessment tools and strategies to gather relevant functional and developmental information about the student?

The assessment plan must be communicated as follows:

- For non-English or limited English-speaking students, the assessment plan and notification procedures must be in the student's primary language if it's feasible to do so
- Administer academic tests for an English Learner in the primary and secondary language when appropriate based on the student's educational program
- Students who are non-verbal or who have sensory or physical disabilities may require alternative assessment measures which are to be indicated on the assessment plan
- Be provided in the primary language of the parent or other mode of communication used by the parent, unless to do so is clearly not feasible
- African-American students' cognitive ability must be assessed using alternative instruments (other than standardized IQ test measures). This must be stated on the assessment plan

Timeline

California Education Code Section 56321(a) requires specific timelines for the development of the proposed assessment plan as follows:

- Whenever an assessment is to be conducted, the parent of the student must be given a proposed assessment plan, in writing, **within 15 days of the referral for assessment.**
- The 15 day time limit does not include summer break, winter break, or breaks between school sessions that **exceed 5 school days.**
- Weekends and holiday periods of 5 school days or fewer do count toward the 15 day time period.
- If a referral has been made 10 days or fewer prior to the end of the regular school year, the **Assessment Plan** must be developed within **10 days** after the start of the next regular school year.
- Parents have at least fifteen (15) days from the receipt of the Assessment Plan to consent and sign it.
- Complete the assessments and hold an IEP meeting within the prescribed timelines, which is **60 calendar days**, not counting school vacations greater than five (5) days, from **receipt** of the signed consent for assessment from the parent. It is important that the staff member who receives the signed Assessment Plan from the parent, sign and date the bottom of the form, with the date the form was received.

Timeline Waiver

Only parents may request an extension of the timeline for an evaluation for such cause as illness or medical appointment. The case manager or psychologist must complete a timeline waiver in writing along with dated stamp. The extensions are not to exceed 15 days.

Release of Information

If outside agencies or professionals (Regional Center, medical doctors, psychologists, etc.) are involved with the student, complete and obtain parent signatures on the Release of Information form when the assessment team determines a need to gather information/records from these agencies. This form can also be used to document parent consent for the district to send student information and records to an outside agency.

Pre-Evaluation Planning

Before completing an initial or a triennial evaluation, it is recommended that the assessment team meet to:

- Compile and review student data, including information in the cumulative record, any previous evaluations, and information from the parent
- Review performance in present placement through information from general education teacher(s) and any special education teachers or service providers of the student

2.6 SELECTION OF ASSESSMENTS

In order to obtain useful and valid results from the assessments, it is important that the following criteria be used in the selection of assessments:

- Select and administer tests in all areas of suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, speech and language, motor abilities, academic performance, and intellectual functioning.
- Select and review multiple assessments, including California State Tests, district assessments, grades, and other indicators, to ensure that no single procedure for evaluation is used as the sole criterion for determining an educational program for a student with exceptional needs.
- Select and administer tests and other assessment materials that are not racially, culturally or linguistically discriminatory.
- Select and administer language proficiency tests to assess an English Learner that measure the student's current level of English proficiency (e.g. ELPAC),
- Having multiple measures of language proficiency as distinct from academic performance in English is important to help differentiate between the lack of English language proficiency as a cause of academic difficulties, and cognitive processing deficits resulting in learning difficulties.
- Administer academic tests for an English Learner in the primary and secondary language, when appropriate, based on the student's educational program. For example, a bilingual student who has been instructed in the primary language and English should be assessed for academic performance in both languages. A bilingual student who has only been instructed in English should be assessed for academic performance in English.
- Choose assessment instruments and techniques that are unbiased relative to the student's gender, racial, socio-economic, and cultural background.
- Use a variety of assessment tools and strategies to gather relevant functional and developmental information about the student, including progress in the general education program.

- Choose assessment instruments that yield important information about the student, including information provided by the parent, and information related to enabling the student to participate in and progress in the general curriculum.
- Assessment tools should be validated for the specific purpose and student for which they are being used. **All assessment reports must include a statement of validity or lack of validity regarding the assessment instruments used.**
- Ensure that trained personnel administer all assessments according to the test publisher's requirements.

Determination of Need for Alternative Assessments

During the development of the Assessment Plan, the team may determine that a test of intellectual ability or a standardized test would be considered invalid for a student. Reasons must be documented in one of the written reports. Reasons may include the following:

- Primary language other than English
- Sensory or physical disability that would make reception of stimuli or production of responses difficult
- Student is African-American

A severe discrepancy for a student who is African- American shall then be measured by alternative means such as:

- Criterion referenced tests
- Adaptive behavior rating scales
- Developmental history

2.7 ASSESSMENT PROCEDURES

An assessment involves gathering information about the student to determine whether the student has a disability and, if he or she is eligible, the nature and extent of special education services that the student may need. Assessments may include individual testing, observation of the student at school, interviews with the student and school personnel who work with the student, and review of school records, reports and work samples.

Guidelines for Standardized Assessment

When the student is assessed, the following guidelines will be followed:

1. Student will be assessed only after the parent consents to the Assessment Plan.
2. If a parent denies an initial assessment, and the assessment is important to meeting the student's needs, refer the matter to the Executive Director of Special Education, Program Coordinator or Program Specialist. They will consider holding a due process hearing to determine if the District can proceed with the assessment. Documentation of three (3) certified written letters requesting parents to sign must be submitted to the Executive Director, Program Coordinator or Program Specialist.
3. Student will be assessed in all areas related to his or her suspected disability.
4. The assessment will be administered in the student's primary language or a qualified interpreter will be provided.
5. The assessment must include a variety of appropriate tests to measure student's strengths and needs. The persons administering these tests must be qualified to do so.
6. The assessment will be adapted for students with impaired sensory, physical or speaking skills.
7. A multidisciplinary team, including at least one teacher or other specialist with knowledge in the area of the student's suspected disability, will assess the student.
8. Testing and assessment materials and procedures must not be racially, culturally or sexually discriminatory.

Conducting Initial Assessments

Conducting an initial special education assessment of a student, consistent with their signed assessment plan, is an essential part of the special education process.

The assessment will:

- Provide the IEP team with the information it will need to determine whether the student has a disability and is eligible for special education and related services.
- Provide the IEP team with the student's present levels of educational performance.
- Provide the IEP team with information regarding the instructional needs of the student and the accommodations, modifications, and services that may be required.

To conduct special education assessments that comply with Federal and State policies, the District must have:

- An assessment plan signed in agreement from the parents.
- Assessment instruments that are selected and administered so that they are not racially, sexually, or culturally discriminatory. It is prohibited in the state of California to administer intelligence tests on African-American students. Any findings from tests administered elsewhere cannot be considered or contained in the records of African-American students.
- Assessments must be conducted in the student's primary language or other mode of communication unless the assessment plan indicates why this is clearly not feasible. An interpreter may be used if the assessor is not capable of communicating with the student in their primary language or other mode of communication.
- If the student has Limited English Proficiency, the assessment instruments must be selected and administered in a manner that ensure that the assessments measure what is intended rather than the student's sensory, motor, or English language skills.
- If the student has sensory, motor, or speaking impairments, the assessment instruments are selected and administered in a manner that ensures that the assessments measure what is intended rather than the student's impairments.
- Assessment tools and strategies are selected to provide information on the student's specific areas of educational need.
- Assessment instruments have been validated for the purposes for which they are going to be used.
- Assessments are only conducted by qualified professionals as specified in the instructions provided by the authors of the assessment.
- No single assessment procedure is used as the sole criterion for determining whether a student has a disability and for determining an appropriate educational plan for the student.
- The assessment covers all areas related to the student's suspected disability including:
- Health and development (including vision and hearing)
 - *Findings from vision and hearing screenings must have been conducted within the previous 12 months.
- General Ability
- Academic Performance
- Language Function
- Motor Abilities
- Social and Emotional Status
- Self-help, including Orientation and Mobility
- Career and Vocational Abilities and Interests *If an Individual Transition Plan (ITP) is being developed, the student's post-school interests and preferences must be assessed.
- The assessment is sufficiently comprehensive to identify all the student's special education and related services needs whether or not they are commonly linked to the disability category in which the student may be identified.

- A variety of assessment tools and strategies are utilized to gather relevant developmental and functional information about the student, including information provided by the parent.
- The assessment includes obtaining information related to enabling the student to participate in and progress in the general curriculum, or for a preschool student to participate in appropriate activities.
- For a student suspected of having a learning disability, the assessment includes observing the academic performance of the student in a general education setting by an IEP team member other than the student's general education teacher.

For a student suspected of having a learning disability, the assessment must provide information for the IEP team to determine:

If a severe discrepancy exists between achievement and intellectual ability in one or more of the following areas:

- Oral expression
- Listening Comprehension
- Written expression
- Basic Reading Skill
- Reading Comprehension
- Mathematics Calculation
- Mathematics Reasoning

If the discrepancy is due to a disorder in one or more of the basic psychological processes including:

- Attention
- Auditory Processing
- Visual Processing
- Sensory Motor Skill
- Cognitive Abilities including: Association, Conceptualization, & Expression
- That the severe discrepancy is not primarily the result of:
- A Visual, Hearing, or Motor Impairment
- Intellectual Disability
- Emotional Disturbance
- Environmental, Cultural, or Economic Disadvantage
- For a student who is visually impaired, the assessment must also provide information for the IEP team on the most appropriate medium or media, including Braille, for reading. (For a student who is functionally blind, an assessment of Braille skills is required.)
- For a student age 16 and older (or earlier if deemed appropriate), an assessment of their transition services needs, including their preferences and interests, must be conducted.

2.8 CONTENT OF THE INITIAL ASSESSMENT REPORT

When the assessments are completed a report must be written. While there may be more than one assessment report, the content of the reports must collectively include all of the elements listed below. Since the report is designed for the purpose of providing IEP team members with the information they need to make informed decisions concerning the student, it should be written, to the degree professionally appropriate, in a style understandable by the team members. If requested, a copy of the assessment report prior to the IEP meeting will be made available to the parent whenever possible.

Assessment reports can be translated into the parent's primary language upon written request from the parent.

The initial assessment report must contain student information such as:

- Name
- Student Identification Number
- Date of Birth
- Chronological Age
- Primary Language or Mode of Communication
- Race or Ethnicity
- Gender
- Cover all elements listed under "Initial Assessments"
- Cite the assessments that were utilized, state that assessment instruments selected and administered were not racially, sexually, or culturally discriminatory, and were considered valid and reliable for the evaluation. Include dates of administration and titles of individuals who completed the assessments. (If an assessment was administered under conditions not consistent with those specified in the instructions provided by the producer, it must be so indicated in the report and how these conditions may have compromised the validity of the assessment.)
- Indicate when an interpreter was used in administering the assessment(s) and whether such use compromised the validity of the assessment(s).
- Include, when appropriate, the findings from previous assessments including independent educational evaluations provided by the parent(s).
- Indicate whether the assessments were a valid indicator of the student's skills and aptitudes.
- Provide evidence of whether the student has a disability and may require special education and related services, including the basis of this determination (Note: Conclusions regarding eligibility are made by the IEP team.)
- Describe the relevant behavior of the student, observed in an appropriate setting, and the relationship of that behavior to the student's academic and social functioning.
- Describe educationally relevant health, developmental, and medical findings.
- Cite the student's performance on State and district-wide assessments, grades and class performance.
- Provide evidence regarding whether there is a significant discrepancy between achievement and ability that cannot be corrected without special education and related services for a student suspected of having a learning disability.

- Include a determination concerning the effects of environmental, cultural, or economic disadvantages when appropriate.
- For a student with a low incidence disability, address the need for specialized services, materials and equipment.
- Include the name, title, signature of the person who wrote the report and the date the report was completed.
- Provide evidence of a classroom observation of a structured and non-structured environment.

2.9 TRIENNIAL AND REASSESSMENT

Once a student has been identified by an IEP team as having a disability and needing special education services, it is required that the student be reassessed, if warranted, at the following times:

- Every three (3) years (triennially)
- At the request of the parent(s) or District staff

The 1997 amendments to IDEA added the phrase “if warranted” to eliminate reassessments that would not be meaningful. For example, it may not be necessary to conduct a reassessment to determine if a student who is deaf is still deaf. However, a reassessment still may be warranted if there is a belief that there has been a change in their hearing ability that might affect the services the student requires. Similarly, there would be little value in repeating an intelligence test for a student with profound intellectual disabilities unless there is an indication that the student’s cognitive functioning has significantly improved. Further, it would not be warranted to repeat an assessment that is no longer relevant to the student’s current educational needs. Prior to IDEA 1997, the assessment had to be repeated; now the determination is to be made by the IEP team on a case-by-case basis. *If the team concludes that no reassessment is warranted to determine continued eligibility, the parent(s) must be informed of their right to request the assessment, which must be conducted if the parent(s) so request. Document decisions in the IEP.* (This provision should only be used in rare instances and the decision must be confirmed by the Special Education director)

The purpose of a reassessment is to address one or more of the following, if the District determines that the educational or related services needs (including improved academic and functional performance) of the student warrant a reevaluation:

- Determine whether the student continues to have an identified disability;
- Determine any additional areas of weakness
- Review progress on his/her goals or objectives
- Determine whether the student continues to require special education and related appropriate services.
- Determine whether the student’s current special education and related services are or are no longer appropriate
- Plan for a transition into the general education program
- Per the IDEA, reassessments shall not occur more than once a year, unless a parent and the District otherwise agree.

Content of the Triennial Assessment Report

1. If doing a Review of Records reassessment only:

The triennial assessment report must include –

- a) List of the assessment methods/tools used (document that these are culturally sensitive and linguistically appropriate)
- b) Health update including hearing and vision screening results, medication, current diagnoses or other medical problems, hospitalizations
- c) Summary of family/linguistic/environmental factors
- d) Summary of educational history including initial qualification for special education and previous triennial eligibilities, state and district assessment results.
- e) A summary of the student's current classroom-based assessments and/or performance
- f) For high school only - credits earned out of how many attempted
- g) Disciplinary history
- h) Summary of prior interventions and accommodations provided/attempted
- i) A review of progress towards previous goals
- j) A review of previous assessments (i.e., psycho-educational, related services, outside reports,)
- k) A summary of the assessment findings - levels of academic (and behavioral if applicable) performance - and educational needs of the student
- l) Statement of eligibility
- m) Recommendations
- n) If an assessment plan is signed, observations and interviews of student, parent, and teacher should also be included (include date, time, duration of observation; teacher's response to atypical or typical whether the behavior is observed).

2. If doing a Partial or Comprehensive reassessment:

The triennial assessment report must include –

- a) List of the assessment methods/tools used (document that these are culturally sensitive and linguistically appropriate)
- b) Health update including hearing and vision screening results, medication, current diagnoses or other medical problems, hospitalizations
- c) Summary of family/linguistic/environmental factors
- d) Summary of educational history including initial qualification for special education and previous triennial eligibilities, state and district assessment results.
- e) A summary of the student's current classroom-based assessments and/or performance
- f) For high school only - credits earned out of how many attempted
- g) Disciplinary history

- h) Summary of prior interventions and accommodations provided/attempted
- i) A review of progress towards previous goals
- j) A review of previous assessments (i.e., psycho-educational, related services, outside reports,)
- k) Observations in the classroom and during testing and other relevant settings (include date, time, duration; teacher's response to atypical or typical whether the behavior is observed)
- l) Interviews of student, parent, and teacher(s) including strengths, interests, primary concerns, academic and social-emotional functioning
- m) Reassess in all areas of suspected disability such as the following:
 - a. Cognitive (if the student is of African American decent, note this according to Larry P. requirements and do not use standardized intelligence tests)
 - b. Processing – visual, sensory motor integration, auditory, attention, cognitive abilities
 - c. Academic – reading, writing, math (if suspected issue, also test listening & oral expression)
 - d. Social-emotional behavioral
 - e. Adaptive
 - f. Special assessments for Autism, ADHD...
- n) A summary of the present assessment results - levels of academic (and behavioral if applicable) performance - and educational needs of the student
- o) Statement of eligibility
- p) Recommendations

2.10 DISCUSSION OF ASSESSMENT RESULTS

After the student has been assessed, an Individualized Education Program (IEP) meeting will be held within 60 days of receiving the signed assessment plan. The IEP meeting must be held at a time and place convenient for both parent and the school's representatives. At this meeting, the IEP team will discuss the assessment results and determine whether the student is still eligible for special education services. If the student is eligible, then an IEP will also be developed during the meeting.

Even if the parent disagrees with the assessment conducted by the District and indicates that they will obtain an assessment on their own or request an Independent Educational Evaluation (IEE) at public expense, it is important that every effort be made to complete the IEP meeting. Do not extend the date for the IEP meeting beyond the legally required timeline with the intent to wait for independent assessment or IEE results. Inform the parent that the IEP meeting must be held within required timelines and that another IEP meeting will be held to consider the independent assessment or the IEE report.

If a parent does make a request for the District to fund an IEE, staff should direct the parent to put their request in writing. It is preferable that the parent also provide a written explanation as to their specific disagreement with the District assessment(s). Any parent requests for an IEE should be immediately forwarded to the Special Education Department. If there is an agreement to fund an IEE, the District will require that the assessment results be provided to the District staff prior to the IEP meeting. *If the assessment conducted by the District included or permitted in-class observation of the student, an equivalent opportunity is to be made available to the individual retained by the parent to conduct an independent educational evaluation.*

2.11 INDEPENDENT EDUCATIONAL EVALUATIONS

If a parent/guardian disagrees with the results of the assessment conducted by the school district, they have the right to ask for and obtain an independent educational evaluation from a person qualified, not employed by their current school district, to conduct the assessment at public expense. Public expense means that the District of resident pays for the full cost of the evaluation or evaluation components, up to the limits established by the District.

The district must respond to the request for an independent educational evaluation and provide information upon request about where to obtain an independent educational assessment.

The parents must request the IEE within one calendar year of the date that the results of the school evaluation were shared with parent(s) at the IEP meeting. The District does not have an obligation to reimburse parents for privately obtained evaluations, obtained prior to the date that the District's evaluation is completed and discussed at an IEP meeting. The District is not obligated to reimburse the parent(s) for privately obtained evaluations if the parent(s) disagree with the District's evaluation and independently seek a private evaluation without first notifying the District.

If the district disagrees that an independent evaluation is necessary, the district may request a due process hearing to prove that its assessment was appropriate. If the district prevails, the parent(s) still have the right to an independent assessment, but not at public expense.

The IEP team must consider the results of any independent evaluation, provided by a parent, if it was conducted by a qualified professional. To facilitate careful consideration, parents should be encouraged to provide the report in advance of the meeting so that District personnel qualified in the area of the evaluation can review it. It is often helpful to have the person(s) conducting the review attend the IEP meeting. If an independent evaluation report is not provided prior to the IEP meeting and the team needs time to review the report, the team may choose to continue with the IEP meeting and reconvene at a later date to discuss the independent evaluation report.

District assessment procedures allow in-class observation of students during the district or an independent assessment. The independent assessor is also allowed to observe a proposed new setting for a student. The site observation shall take place at a time that is convenient for all parties. The independent observation shall comply with school site policy. District personnel must accompany all independent assessor observations.

Procedures for Responding to a Request for an IEE

If an Independent Educational Evaluation at public expense is requested, it is important that the following be done:

- If the request for an IEE is made at an IEP meeting, ask the parent which of the areas of assessment they disagree with and why. Then document, on the IEP, that there has been a disagreement with the assessment(s), the area(s) of disagreement, the reason(s), and that an IEE at public expense has been requested. (Parents are not required to explain why they disagree.)
- If the request for an IEE is made outside of an IEP meeting, inform the parent that the request must be in writing and indicate the assessment(s) with which they disagree. Tell the parent that it would be helpful in considering their request to know why they disagree with the assessment(s).
- Be sure that the parent has been provided a copy of the Parent's Procedural Rights.
- Forward the request for an IEE at public expense to your Special Education Program Coordinator/Program Specialist or Director and include the written request and/or the student's IEP and a copy of the assessment report(s) that the parent disagrees with.

The Program Coordinator/Specialist or Director will review the District assessment with the appropriate discipline to determine if an IEE will be offered at public expense. If the Program Coordinator/Program Specialist or Director agrees to provide an IEE at public expense, he/she will make available a list of names of independent assessors. If the parent chooses to use a person not on the list, the person must meet the same criteria for qualified examiners named in this policy. If the Program Coordinator/Program Specialist or Director does not agree with the assessor selected by the parent, the District must initiate a due process hearing.

Once the assessor has been agreed upon, the Program Coordinator/Program Specialist or Director will provide the parent and the designated assessor with IEE requirements and an assessment plan will be developed. Within fifteen (15) calendar days of the decision of obtaining an IEE, the parent(s) will be sent the assessment plan for their review and consent.

The District does not have an obligation to reimburse parents for privately obtained evaluations that were obtained prior to the date that the District's evaluation is completed and reviewed at an IEP meeting. The District is not obligated to reimburse the parent(s) for privately obtained evaluations if the parent(s) disagree with the District's evaluation and independently seek a private evaluation without first notifying the District.

Advise the parent that if an IEE at public expense is not found to be required, they may obtain an IEE at their own expense and have it considered. If the parent intends to obtain an IEE at their own expense, inform them that in order for the IEE report to be considered, it must have been conducted by a qualified person.



SECTION 3

IDENTIFICATION AND ASSESSMENT
OF ENGLISH LEARNERS
(STATE SELPA DIRECTOR)

Section 3 Identification and Assessment of English Learners (State SELPA Director)

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Section 3 Identification and Assessment of English Learners (State SELPA Director)

3.1 INTRODUCTION

This chapter was developed to provide SELPA and LEA staff members with a concise, practical, and sequential approach to the identification, assessment, and programs for students with disabilities, who are English learners (EL). When considering possible special education and related services, extreme care must be taken to avoid the over identification of students as having a disability, as well as the exclusion of English learners who may have a disability. With this in mind, two specific challenges are presented to educators:

1. To utilize appropriate assessment tools and procedures and to provide services in the least restrictive environment
2. To incorporate language and culture into a special education curriculum

All English learners must be properly identified. Identification includes the completion of the state-mandated Home Language Survey (HLS). The English Language Proficiency Assessments for California (ELPAC) or Alternate Language Proficiency Instrument (ALPI) or VCCALPS (adapted ALPI with Reading and Writing) is administered to determine English proficiency. These assessments are to be done within 30 calendar days after the date of first enrollment in a California public school, or within 60 calendar days before the date of first enrollment in a California public school, but not before July 1 of that school year” (EC 60810)

The ELPAC has three purposes: (1) to identify students who are limited English proficient; (2) to determine the level of English language proficiency of students who are limited English proficient; and (3) to assess the progress of limited English proficient students in acquiring the skills of listening, reading, speaking, and writing in English. All ELs must be administered the ELPAC annually. There are no parent waivers for taking ELPAC.

The ALPI or VCCALPS is used for students with severe disabilities to provide a primary language assessment in receptive and expressive language. Deaf and hard of hearing student may be informally assessed in American Sign Language (ASL). The student’s IEP includes scores or levels in each of the assessments.

(See ELL Appendix for Participation Criteria Checklist for Alternate Assessments)

3.2 IDENTIFICATION AND REFERRAL OF ENGLISH LEARNERS SUSPECTED OF HAVING A DISABILITY

Procedures for Identification and referral for special education and related services for all students are described in Section 2.

3.3 SPECIAL CONSIDERATIONS FOR EL STUDENTS PRIOR TO REFERRAL

Unless the student has a severe disability, including but not limited to severe vision and hearing impairments, severe physical impairment, severe intellectual disability, autism, or severe health impairment, the student should be allowed sufficient time to acquire English proficiency and receive appropriate academic instruction in English language arts and math. It is critical to differentiate between a student who is not achieving in the classroom because English is not his/her primary language and a student who is not achieving due to a disability.

Following are some relevant sections of state and federal law that are particularly important in determining eligibility for special education instruction and services:

Education Code (EC) 56303: "A pupil shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and when appropriate, utilized"

California Code of Regulations (CCR), Title 5 3023 (b) "The normal process of second language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a handicapping condition"

Federal Code of Regulations (CFR) a 300.534: "A child may not be determined to be eligible....if (i) the determinant factor for that eligible determination is ...1) lack of instruction in reading or math, or (2) limited English proficiency ... and (ii) the child does not otherwise meet the eligibility criteria under 300.7"

3.4 STUDENT SUCCESS TEAM (SST)

The Student Success Team is designed to offer immediate assistance and suggestions for teachers, parents and support staff for an individual student who is not making progress or exhibiting various types of problems in the classroom and/or school. Through effective utilization of this team, many identification errors can be avoided. The Student Study Success Team serves as a group of professionals and parents, who will discuss pupil strengths and problems and possible interventions.

SST Team Members

Members of the team may include the following:

- At least one general education teacher
- Bilingual personnel
- Principal or administrator
- Parent
- Special education specialist
- School psychologist
- School nurse
- Counselor or specialist
- Speech/language pathologist
- Interpreters (as needed)
- Student (as appropriate)
- Others

Student Success Team Responsibilities

Referrals for special education assessment may be processed through the Student Success Team. The SST will review the student's strengths, concerns, prior interventions and modifications that have been considered, and/or utilized. The results of the interventions will be documented. A plan will be developed, listing additional interventions, and the individuals responsible for implementing them with a follow-up date to review the pupil's progress.

When a student who is an English learner is referred to the school site's SST, the first step is to gather information regarding the specific difficulty the student is experiencing. The second step is to look at why the student is having this difficulty. When gathering information about the specific difficulty an English learner is experiencing, there may be a tendency to describe general performance behaviors, such as, "The student is not making progress," "The student is below grade level," "The student is having problems reading," etc. Statements such as these do not describe the specific difficulty that has been observed, which then makes it difficult to design appropriate interventions. In addition, not knowing the specific difficulty an English learner is experiencing makes it a challenge to determine if the perceived weakness is due to extrinsic factors (e.g. inappropriate instruction, normal process of second language acquisition, lack of formal education, etc.) or a possible intrinsic factor (such as a learning disability, language disorder, etc.)

When describing the specific difficulty the English learner is experiencing, the difficulty needs to be measurable and observable. In addition, data needs to be collected about the identified difficulty across different contexts (such as different subject areas), in different environments (such as home and school), and in both the primary language and English.

After identifying what specific difficulty the student is experiencing, the next step is to find out why the student is having this difficulty. If an English learner is experiencing difficulties only in English, but not in the primary language, then the problem could be due to English language acquisition rather than an intrinsic disability.

3.5 ASSESSMENT PROCEDURES FOR ENGLISH LEARNERS

After interventions have been utilized and programmatic changes have occurred, some students, who have been referred to the SST will need a special education assessment. Special education assessment requirements for students whose primary language is other than English are included in this section.

Psycho-Educational Assessments

Assessment requirements important to English learners include the following:

1. Assessments with pupils of limited English proficiency shall be administered in the child's native language or mode of communication, unless clearly not feasible to do so (EC 56320(b)(1), EC56001).
2. Assessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it clearly is not feasible to do so, an interpreter must be used, and the assessment report shall document this condition and note that the validity may have been affected. (CCR, Title 5:3023)
3. Materials are selected and administered so as not to be racially, culturally or sexually discriminatory (EC 56320, EC56001).
4. A variety of assessment tools and strategies will be used to gather relevant functional and developmental information, including information provided by the parent (EC 56320).
5. No single procedure is used as the sole criterion for determining an appropriate educational program for an individual child (EC 56320, EC56001).

The assessment team may include, but is not limited to:

1. School psychologist
2. Speech/language pathologist
3. General education teacher(s)
4. Special education specialist
5. School nurse
6. Bilingual specialist
7. Principal/vice principal/counselor
8. Parent

Other Procedures for Gathering Information

It is necessary to review existing procedures and their applicability for appropriate identification and instructional planning. Appropriate standardized tests are often not available in all languages. A broader variety of methods are necessary to obtain the information needed to determine if the referred student is, in fact, an individual with a disability.

Following is a brief overview of four assessment procedures.

1. Norm-referenced Tests: The norm-referenced test measures an individual's performance in relation to others on the same instrument. Key words often associated with this type of testing include: reliability, validity, and standardization. When using this type of test, it is critically important that the pupil being tested comes from a background (e.g., language, socioeconomic status) similar to that of the pupils on which the norms were derived. Often such tests are not normed on EL students and any results should be interpreted with caution. Norm-referenced assessment should be administered in the student's native language whenever possible.
2. Criterion-Referenced Tests: The criterion referenced test breaks down an area and measures what a student can do on each task in that area. No comparison of one student's performance with the performance of the group can be made. This type of testing gives yes/no answers to instructional questions (e.g., Can the student tell time by the ½ hour?) With this information, curricular suggestions can be made leading to specific goals and objectives.
3. Systematic Observation: This alternative assessment encourages the direct study of the referred student in a wide variety of settings. In systematic observation, one selects a specific behavior to observe, selects an appropriate measuring technique, depicts what is seen in the observation, and makes interpretations. Since the student is in his/her natural environment, it is possible to obtain a better picture of what the student is actually doing while using his/her own peer group as a backdrop. However, the presence of an observer may alter the environment and thus affect the validity of the behavior observed.
4. Structured Interview: This alternative assessment technique provides for a broad range of information collection. It is designed to incorporate the expectations and concerns of all those who are associated with the referral. Additional, interview based assessments allows for the funneling of information and expectations into the formal assessment system.

Additional Assessment Guidelines

Following are additional guidelines to consider when assessing a student with limited English proficiency:

- Assess language dominance at time of referral or evaluation by general education personnel
- Whenever possible use two language dominance tests to establish functioning information.
- Assess in student's dominant language whenever possible.
- Assess using non-language measures (e.g., performance).
- Use a trained interpreter whenever needed.
- Assess achievement in both primary language and English.
- Do not accept scores on translations of tests as valid; use other, non-biased or non test based measures to support the scores.
- Assess adaptive behavior, mindful of different cultural norms.
- When considering the presence of a language disability, consider whether primary language is deficient when compared to peers and school population. Is language generally depressed (common in low socioeconomic populations) or are there significant peaks and valleys? Is there evidence of a true language disability?

3.6 PROGRAM OPTIONS

All students in need of special education and related services, including students identified as English learners, are to be served under the requirements of current state and federal law.

Districts need to offer appropriate resources to ensure that each English learner with a disability receives appropriate *educational and linguistic opportunities in the least restrictive environment*. A full continuum of program options will be available to each student with a disability. To the maximum extent appropriate, children with disabilities are educated with their typically developing peers.

A full continuum of program options include, but are not limited to the following:

1. General education program with specially designed modification.
2. General education program majority of the day with some special education specialist or resource specialist support
3. General classroom with specialized academic instruction for the majority of the day from SDC/and or special education specialist and/or related services support.

4. Special classes and centers.
5. Nonpublic schools
6. State special schools
7. Residential placement
8. Home/Hospital

Instructional Programs & Methodology for English Learners in California

An English language classroom is the placement for all English learners (ELs) in California, unless a parental exception waiver is granted for an alternate program. In addition, it is required that all ELs, regardless of the program they are being served in, be provided with English Language Development (ELD) and Specially Designed Academic Instruction in English (SDAIE).

English Language Development (ELD)

ELD consists of instruction of English designed to promote the effective and efficient acquisition of listening, speaking, reading, and writing skills of the English learner (EL) student. All ELs, regardless of placement, must receive ELD appropriate to their proficiency level. During the regular day, differentiated ELD instruction appropriate to the English proficiency level of each EL must be provided by an authorized teacher until the student is reclassified. Districts are to provide ELs with instruction using whatever materials are deemed appropriate that are specifically designed to enable students to acquire academic English rapidly, efficiently, and effectively. Local education agencies (LEAs) must provide EL students at the secondary level a prescriptive English language program for not less than one full period a day or its equivalent (E.C. 52163). This holds true for all students that are ELs and have an IEP too.

Specially Designed Academic Instruction in English (SDAIE)

SDAIE is an instructional approach designed to increase the level of comprehensibility of the English language in the content area of the class. Prior to 1994, the term sheltered English instruction strategies was used to describe this type of instruction (CTC, 2007). All EL students should receive SDAIE, and, if necessary and reasonably possible, primary language support. School districts are required to continue to provide additional and appropriate educational services to ELs until they have met reclassification criteria. This means that ELs must be provided with ELD and SDAIE as needed, until they are reclassified as fluent English proficient (RFEP).

(See ELL Appendix English Learner with Special Needs Reclassification Worksheet and Reclassification Scenario)

Specific Program Options for English Learners

There are three different types of programs for English Learners. All programs include daily English Language Development (ELD) instruction along with self-image and cross-cultural instruction that is integrated throughout the subject area. Each program focuses on the development of speaking, listening, reading, and writing skills to develop second language

literacy in English. Below is a list of programs offered along with a brief summary of components for each program.

The two mandated classroom setting / program options (unless a parental exception waiver is granted) for EL students in the State of California are Structured English Immersion (SEI) and English Language Mainstream (ELM).

Structured English Immersion (SEI) SEI is a classroom setting for ELs who have not yet acquired reasonable fluency in English (as defined by the LEA - usually scoring at the Beginning or Early Intermediate level on the ELPAC). SEI is an intensive ELD classroom setting. The IEP team must determine if a SEI setting is the most appropriate setting for the student when participating in the general education classroom setting. For students that attend a special education classroom for the majority of the day, the IEP team should determine what supports and programs should be implemented to ensure the student makes progress towards English language development. A parent may request that a student not be enrolled in a SEI classroom setting.

Structured English Immersion

1. Reading taught in English
2. Core curriculum taught in English
3. Some Specially Designed Academic Instruction in English (SDAIE) may be used to help with understanding
4. Daily English Language Development (ELD) instruction
5. Self-image and cross-cultural instruction is integrated throughout subject areas
6. May include some primary language support to help with understanding

English Language Mainstream (ELM) An ELM classroom setting is for students who have attained reasonable fluency (as defined by the LEA - usually scoring at the Intermediate to Advanced level on ELPAC). ELM is a less intensive than SEI. Classroom instruction is “overwhelmingly provided in English” and should include access to the core curriculum through provision of SDAIE, and primary language support as needed.

English Mainstream

1. Reading taught in English
2. Core curriculum taught in English
3. Some Specially Designed Academic Instruction in English (SDAIE) may be used to help understanding
4. Daily English Language Development (ELD) instruction
5. Self-image and cross-cultural instruction is integrated throughout subject areas

If a parental exception waiver is granted, students may receive their core curriculum instruction in their primary language and in English (bilingual education). In addition to receiving instruction in the primary language, the student also receives ELD and primary language support for other areas of instruction.

Note: For ELs who are also receiving special education services, a parental exception waiver is not required for the student to receive instruction in an alternate primary language program if the IEP team determines this is the appropriate type of program for the student.

Alternative Program

1. Develops literacy in primary language first
2. Core curriculum taught in primary language while student is acquiring English
3. Daily English Language Development (ELD) instruction
4. Gradual transition from primary language to English in reading and core subjectmatter
5. Self-image and cross-cultural instruction is integrated throughout subjectareas

Students may receive primary language support and/or language development services in any of the above program options, when determined appropriate by the IEP team.

3.7 IEP DEVELOPMENT FOR ENGLISH LEARNERS WITH DISABILITIES

IEP Teams should ensure that:

- IEPs include linguistically appropriate goals and objectives, including when necessary use of the student's primary language;
- Necessary documentation and translation services are provided to parents as needed; and
- Teachers providing the students the district's core curriculum are appropriately certified.

Other requirements include:

- Qualified teachers
- Sufficient and appropriate basic and supplemental resources to ensure access to the district's core curriculum.
- When possible translation of required parent notifications/documents, including IEP parent rights to inform and involve parents of EL students, and translation services as required by state and federal laws.
- Opportunities for parents to become members of the district and/or school advisory committees.

(See ELL Appendix for *Role of the IEP Team* adapted from 2016-2017 and 2017-2018 ELPAC Information Guide pg. 12 California Department of Education April 2016)

Linguistically Appropriate Goals, Objectives, and Programs

CCR, Title 5, Section 3001 (s): *“Linguistically appropriate goals, objectives, and programs means those activities which lead to the development of English language proficiency; and those instructional systems either at the elementary or secondary level which meet the language development needs of the limited English language learner. For individuals whose primary language is other than English, and whose potential for learning a second language, as determined by the individualized education program team, is severely limited, nothing in this section shall preclude the individualized education program team from determining that instruction may be provided through an alternative program pursuant to a waiver under Education Code section 311(c), including a program provided in the individual’s primary language, provided that the IEP team periodically, but not less than annually, reconsiders the individual’s ability to receive instruction in the English language.”*

In California, it is recommended that linguistically appropriate goals be aligned to the California English Language Development Standards. The California English Language Development Standards are available for downloading at www.cde.ca.gov/be/st/ss/index.asp.

California English Language Development Standards

As of November 2012 there are now revised English Language Development (ELD) Standards. The 2012 ELD standards are designed to:

1. be used in tandem with Common Core State Standards (CCSS) for English Language Arts (ELA) & Literature;
2. highlight and amplify the critical language uses, knowledge about language, and skills using language in the CCSS necessary for English learners to be successful in school; and
3. provide fewer, clearer, higher standards so teachers can focus on what is most important.

Development of Linguistically Appropriate IEPs

When appropriate the IEP shall also include, but not be limited to, all of the following: “for individuals whose native language is other than English, linguistically appropriate goals, objectives, programs and services” (EC 56345(b)). The IEP is a written document that is developed for each public school child who is eligible for special education services. The IEP is created through a team effort and reviewed at least once a year. The required “IEP Team” members are:

1. The parents of a child with a disability;
2. Not less than one general education teacher of such child (if the child is, or may be, participating in the general education environment);
3. Not less than one special education teacher, or where appropriate, not less than one special education provider of such child;

4. A representative of the local education agency (LEA) who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; knowledgeable about the general education curriculum; and, knowledgeable about the availability of resources of the LEA;
5. An individual who can interpret the instructional implications of evaluation results, and who may be a member of the team described above;
6. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
7. Whenever appropriate, the child with a disability.

A person specialized in ELs should be one of the IEP team members with special expertise under number 6 above (34 CFR 300.321(a)(6)-(7); EC 56341(b)(6)-(7)).

For EL students it is best practice to invite staff members to the IEP who have expertise in English language development and can also interpret the results of ELPAC testing and primary language testing, when applicable.

The IEP team must ensure that parents are provided copies of the IEP notice in their primary language. In addition, districts must ensure that parents understand the proceedings of the IEP meeting. This may require the district to provide an interpreter if necessary. Parents also have the right to request that a copy of the IEP be provided to them in their primary language. It is also best practice to provide a copy of the assessment reports in the parents' primary language if requested; however, this requirement is not clear in the regulations (Reid, 2010).

Required IEP Components for English Learner Students

The IEP team must consider the language needs of the student as those needs relate to the student's IEP. Specifically, the IEP must include "linguistically appropriate goals, objectives, programs and services". There are also specific IEP team requirements relative to making decisions about whether or not the student will take ELPAC or an alternate assessment to measure English proficiency progress, as well as whether or not accommodations or modifications will be needed for the student to take ELPAC (20 USC 1414(d) (3) (b) (ii); 34 CFR 300.324 (a) (2) (ii); 30 EC 56345 (b) (2); 30 EC 56341.1 (b) (2)).

IEP Checklist for English Learners

Below is a checklist for staff members to use when drafting IEP for an English learner (EL) student with a known or suspected disability:

- The IEP indicates if the student is classified as an EL
- The IEP includes information about the student's current level of English language proficiency in listening, speaking, reading, and writing (based on current ELPAC or alternate assessment scores/levels)

- The IEP indicates if testing accommodations or modifications are needed for the student to take ELPAC or if the student requires an alternate assessment to ELPAC and, if so, what the alternate assessment(s) utilized will be
- The IEP addresses programs and services for the EL, to include how English language development needs will be met and who will provide those services

Note: Indicate the setting, duration and frequency

- The IEP indicates if primary language support is needed
- The IEP indicates what language will be the language of instruction
- The IEP includes goals and objectives that are linguistically appropriate (LAGOS) *Note: Linguistically appropriate goals should align to the student's current linguistic level in English or assessed level on the ELPAC (or designated alternate assessment).*

(See ELL Appendix for IEP team Checklist for English Learners (ELs))

Decisions Regarding ELPAC and the IEP

Most students with disabilities take the ELPAC along with all other students under standard conditions. Some students with disabilities may require test variations, accommodations, and/or modifications, or may take alternate assessments. Test variations are allowed for any student who regularly uses them in the classroom. Accommodations, modifications, and/or alternate assessments must be specified in each student's IEP or Section 504 Plan. Before any test variation is used, the following activities must be considered when preparing or updating the IEP:

1. The IEP team determines if the student's disability would preclude him or her from taking any or all domains of the ELPAC (with or without variations, accommodations, and/or modifications).
2. IEP teams review *Matrix 1* in the *Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments* (go to ELPAC Information Guide at <https://www.cde.ca.gov/ta/tg/ep/elpacparentguide.asp>)
3. IEP teams discuss the impact of modifications or alternate assessments on the ELPAC resulting in scores that are not valid.

3.8 LINGUISTICALLY APPROPRIATE GOALS AND OBJECTIVES

It is required that the IEP for an English learner (EL) include linguistically appropriate goals and objectives (*objectives are only required for students receiving a functional skills level curriculum*)

which lead to the development of English language proficiency. IEPs for ELs should not include EL Goals. Legally, linguistically appropriate goals, objectives, and programs means:

1. Those activities which lead to the development of English language proficiency;
2. Those instructional systems which lead to the language development of English language proficiency; and
3. Those instructional systems which lead to the language development needs of ELs. For individuals whose primary language is other than English, and whose potential for learning a second language, as determined by the IEP team, is severely limited, the IEP team may determine that instruction may be provided through an alternate program, including a program provided in the individual's primary language. The IEP team must periodically, but not less than annually, reconsider the individual's ability to receive instruction in the English language (EC Section 311(c); CR, Title 5, Section 3001 (s)).

Note: Even though it is not a legal requirement to formally identify a preschool age student as an EL in California, federal regulations require the IEP team to determine if the student is an EL for purposes of the IEP and include linguistically appropriate goals and services.

The IEP team must ensure that IEP goals that involve language are linguistically appropriate. This means the goals must reflect the student's current linguistic level in order to ensure the student can access the goal. When drafting goals, IEP teams should consider the following:

- Take into consideration the cognitive level of the student;
- Be appropriate for the linguistic level of the student (applicable to goals that involve language);
- Match the developmental level of the student's primary (L1) or secondary (L2) language;
- Access the student's prior knowledge and experiences;
- Incorporate culturally relevant materials and experiences; and
- Affirm the student's cultural heritage.

In developing linguistically appropriate goals and objectives (LAGOS), IEP teams must first determine the linguistic levels of the student. Once the team has determined the linguistic needs of the student (by analyzing progress towards attaining the ELD Standards and reviewing ELPAC or other language assessment results), the next step is to draft goals based on assessed areas of need related to the disability that align to the student's linguistic needs.

Reminder: a minimum of two (2) benchmark objectives must be developed for each goal if the curriculum the student uses is considered an alternate-curriculum that focuses on "life-skills".

The following are samples of linguistically appropriate goals (LAGOS) that are aligned to ELPAC data and prior ELD standards for a hypothetical student:

3.9 SAMPLE GOAL 1

Domain:	Listening & Speaking
Strand: Sub	Strategies & Applications
Strand:	Comprehension
Level:	Beginning
Grade:	K-2
Goal:	By <u>(date)</u> , <u>(student)</u> will respond to simple directions and questions in English by using physical actions and other means of nonverbal communication (e.g., matching objects, pointing to an answer, drawing pictures) with 80% accuracy on 3 consecutive trials as demonstrated by written classroom data.
Objective:	By <u>(date)</u> , <u>(student)</u> will respond to simple directions and questions in English by using physical actions and other means of nonverbal communication (e.g., matching objects, pointing to an answer, drawing pictures) with 40% accuracy on 2 consecutive trials as demonstrated by written classroom data.
Objective:	By <u>(date)</u> , <u>(student)</u> will respond to simple directions and questions in English by using physical actions and other means of nonverbal communication (e.g., matching objects, pointing to an answer, drawing pictures) with 60% accuracy on 3 consecutive trials as demonstrated by written classroom data.

Note: The above goal and objectives are written at the “beginning” level of English language development and would be appropriate for a student who’s ELPAC score is at the beginning level in listening. This goal was adapted from the California ELD Standards published in 1999.

3.10 SAMPLE GOAL 2

Domain:	Reading
Strand:	Word Analysis
Sub Strand:	Concepts about Print, Phonemic Awareness, and Vocabulary and Concept Development
Level:	Early Intermediate
Grade:	3-5
Goal:	By <u>(date)</u> , <u>(student)</u> , while reading aloud a short passage of 8-10 lines at grade level, will recognize and produce English phonemes that do not correspond to phonemes he or she already hears and produces with 80% accuracy on 3 consecutive trials as demonstrated by data tracking records.

Objective: By (date), (student), while reading aloud a short passage of 1-2 lines at grade level, will recognize and produce English phonemes that do not correspond to phonemes he or she already hears and produces with 40% accuracy on 2 consecutive trials as demonstrated by data tracking records.

Objective: By (date), (student), while reading aloud a short passage of 3-4 lines at grade level, will recognize and produce English phonemes that do not correspond to phonemes he or she already hears and produces with 60% accuracy on 3 consecutive trials as demonstrated by data tracking records.

Note: The above goal and objectives are written at the “early intermediate” level of English language development and would be appropriate for a student whose ELPAC score is at the beginning to early intermediate level in reading word analysis. This goal was adapted from the California ELD Standards published in 1999.

3.11 SAMPLE GOAL 3

Domain: Writing

Strand: Strategies & Applications **Sub Strand:** Organization & Focus **Level:** Intermediate

Grade: 6-8

Goal: By (date), (student) will develop a clear purpose in a short essay (two to three paragraphs) by appropriately using the rhetorical devices of quotations and facts with 90% accuracy on 3 consecutive trials as demonstrated by a written response to a prompt.

Objective: By (date), (student) will develop a clear purpose in a short essay (two to three paragraphs) by appropriately using the rhetorical devices of quotations and facts with 50% accuracy on 2 consecutive trials as demonstrated by a written response to a prompt.

Objective: By (date), (student) will develop a clear purpose in a short essay (two to three paragraphs) by appropriately using the rhetorical devices of quotations and facts with 80% accuracy on 3 consecutive trials as demonstrated by a written response to a prompt.

Note: The above goal and objectives are written at the “intermediate” level of English language development and would be appropriate for a student whose ELPAC score is at the early intermediate level in writing. This goal was adapted from the California ELD Standards published in 1999.

3.12 SAMPLE GOAL 4

Domain: Reading

Strand: Fluency & Systemic Vocabulary Development

Sub Strand:	Vocabulary & Concept Development
Level:	Early Advanced
Grade:	9-12
Goal:	By <u>(date)</u> , <u>(student)</u> will use a standard dictionary to determine the meaning of a list of 20 unknown words (e.g., idioms and words with multiple meanings) with 80% accuracy on 2 consecutive trials as demonstrated by classroom written records.
Objective:	By <u>(date)</u> , <u>(student)</u> will use a standard dictionary to determine the meaning of a list of 100 unknown words (e.g., idioms and words with multiple meanings) with 60% accuracy on 2 consecutive trials as demonstrated by classroom written records.
Objective:	By <u>(date)</u> , <u>(student)</u> will use a standard dictionary to determine the meaning of a list of 10 unknown words (e.g., idioms and words with multiple meanings) with 80% accuracy on 2 consecutive trials as demonstrated by classroom written records.

Note: The above goal and objectives are written at the “early advanced” level of English language development and would be appropriate for a student whose ELPAC score is at the intermediate level in reading vocabulary. This goal was adapted from the CDE ELD Standards published in 1999.

Sample Goal (Based on New ELD Standards)

Current ELD Levels

<i>Age/Grade</i>	<i>Level of Student</i>	<i>Mode of Communication</i>	<i>Proficiency Level</i>
<i>1st Grade</i>	<i>CAA Level</i>	<i>Collaborative</i>	<i>Exit Emerging</i>
			participates in simple, face-to-face conversations with peers and others

Appropriate ELD and IEP Target Level

<i>Age/Grade</i>	<i>Level of Student</i>	<i>Mode of Communication</i>	<i>Proficiency Level</i>
<i>1st Grade</i>	<i>CAA Level</i>	<i>Collaborative</i>	<i>Early Stage Expanding</i>
			initiate simple conversations on social and academic topics

Baseline: The student manifests a disability separate from language differences or being English language in the area of verbal expression. The student currently is able to initiate non-verbal gestures of simple one-word nouns to communicate wants and needs or engage in simple conversations in English and one or two word utterances in his or her native language.

By (date), (student) will records initiate simple conversations (3 to 5 word utterances) on social and academic topics to peers or adults; on 2 consecutive trials as demonstrated by classroom observation and data tracking records.

3.13 IEP ACCOMMODATIONS AND MODIFICATIONS

The IEP should stipulate appropriate accommodations and/or modifications that may be needed to assist the student who is an English learner be successful in an educational setting.

Examples of accommodations that may be appropriate to consider for students learning English may be but are not limited to the following:

- Primary language support to assist with academics
- Translation devices
- Extra time on tests and assignments
- Use of reference materials with visuals to aide comprehension
- Bilingual dictionary if applicable to second language

Examples of modifications that may be appropriate to consider for students learning English may be but are not limited to the following:

- Tests provided or adapted to be more “comprehensible”
- Tests and assignments modified in length and content
- Alternate testing formats such as use of visuals, drawings, etc.

Note: For additional information and resources, refer to Appendix A for table of contents from *Meeting the Needs of English Learners with Disabilities Resource Book* by Janice Butterfield, Santa Barbara County SELPA on behalf of the State SELPA Association Revised June 2017

Full PDF Copy of the Resource Book is available at the following website address:

http://www.sbcselpa.org/wp-content/uploads/2014/03/EL-SPED-Resource-Book-Revised-5-27-14-FINAL-6-1-17.doc_EditsLF-6-6-17_2.pdf

Appendix A Proposed Timeline for the Transition from the California English Language Development

Test (ELPAC) to the English Language Proficiency Assessment for California (ELPAC)

	2015-16	2016-17	2017-18	2018-19
ELPAC Pilot Testing	December 1 2015			
Field Test Administrations (No scores		ELPAC2 Summative (Spring 2017)	ELPAC3 Initial (Fall 2017)	
Operational Administrations (Scores reported)	CELDT1	CELDT2	CELDT3 Initial only ELPAC4 Summative (Spring 2018)	ELPAC5 Initial (July 1, 2018) ELPAC6 Operational (Initial and Summative)

¹ In 2015-16, the CELDT will be administered as usual. Pilot testing for the ELPAC will occur in December 2015. The purpose of the pilot is to ensure that new task types planned for the ELPAC elicit useful information about language proficiency, as described in the 2012 California English Language Development Standards.

² In 2016-17, the CELDT will continue to be administered as usual. In Spring 2017, a sample of school districts will participate in the ELPAC Summative Assessment field test. The purpose of each ELPAC field test (Summative and Initial Assessments) is to gather information on the performance of items that will inform final decisions related to test length, test composition, and score scales to ensure the ELPAC is valid and reliable.

³ In 2017-18, the CELDT will be administered for the purpose of initial identification only from July 1, 2017 to June 30, 2018. In fall 2017, field testing for the ELPAC Initial Assessment will occur.

⁴ In Spring 2018, the ELPAC Summative Assessment will be operational.

⁵ On July 1, 2018, the ELPAC Initial Assessment will be operational.

⁶ In 2018-19, the ELPAC assessments will be fully operational, and the CELDT will no longer be administered.

California Department of Education, October 14, 2015

Appendix B Comparison of the CELDT to the ELPAC

California has transitioned from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC). The table below shows a brief comparison between the CELDT and the ELPAC.

CELDT	ELPAC
Aligned with the 1999 California English Language Development (ELD) Standards with five proficiency levels	Must be aligned with the 2012 California ELD Standards, which have three proficiency levels (Emerging, Expanding and Bridging)
One test used for two purposes: initial assessment and annual assessment	Two separate tests for two purposes: (1) initial identification; and (2) annual summative assessment. The initial identification will be brief and locally scored.
Paper-pencil tests	Paper-pencil tests with a potential to transition to computer-based tests
July 1 – October 21 Annual Assessment window	Annual Summative Assessment window to be a four month period after January 1 (proposed February 1 – May 31), allowing for more pre-test instructional time
Five grades / grade spans: K-1, 2, 3-5, 6-8, and 9-12	Seven grades / grade spans: K, 1, 2, 3-5, 6-8, 9-10, and 11-12
Five performance levels	Four performance levels
Reporting domains: Listening, Speaking, Reading, and Writing	Reporting domains: Listening, Speaking, Reading and Writing

Questions: [English Language Proficiency and Spanish Assessment Office
elpac@cde.ca.gov](mailto:elpac@cde.ca.gov) 916-319-0784

Last reviewed: Wednesday, June 29, 2016

Appendix C Participation Criteria Checklist for Alternate Assessments

To assist an IEP team in determining whether or student should use alternate assessments, the criteria below may be considered. If the answer to one or more of the criteria is “Disagree,” the team should consider administering the ELPAC to the student with the use of any necessary test variations, accommodations, and or modifications.

Circle “Agree” or “Disagree” for each item:

Agree Disagree	The student requires extensive instruction in multiple settings to acquire, maintain, and generalize skills necessary for application in school, work, home, and community environments.
Agree Disagree	The student demonstrates academic/cognitive ability and adaptive behavior that require substantial adjustments to the general curriculum. The student may participate in many of the same activities as his/her non-disabled peers; however, the student’s learning objectives and expected outcomes focus on the functional applications of the general curriculum.
Agree Disagree	The student cannot take the ELPAC even with test variations, accommodations, and/or modifications.
Agree Disagree	The decision to participate in an alternate assessment is not based on the amount of time during which the student is receiving special education services.
Agree Disagree	The decision to participate in an alternate assessment is not based on excessive or extended absences.
Agree Disagree	The decision to participate in an alternate assessment is not based on language, cultural, or economic differences.
Agree Disagree	The decision to participate in an alternate assessment is not based on visual, auditory, and/or motor disabilities.
Agree Disagree	The decision to participate in an alternate assessment is not based primarily on a specific categorical program.
Agree Disagree	The decision for using an alternate assessment is an IEP team decision rather than an administrative decision.

Appendix E Role of IEP Team

The IEP team is an essential component in establishing academic and functional goals, determining the specifically designed instructional program to meet the unique needs of all English learners with disabilities, and making decisions about how students can participate in the state ELP assessment.

In accordance with the new ED guidance, the IEP team is responsible for:

- Making decisions about the content of a student's IEP, including whether a student must take a regular state assessment (in this case, the ELP assessment), with or without appropriate accommodations, or an alternate assessment in lieu of the regular ELP assessment (ED, July 2014, FAQ #4).
- Developing an IEP for each student with a disability, including each English learner with a disability, at an IEP team meeting, which includes school officials and the child's parents/guardians. The Individuals with Disabilities Education Act (IDEA) regulation in 34 Code of Federal Regulations (CFR) Section 300.321(a) specifies the participants to be included on each child's IEP team. It is essential that IEP teams for English learners with disabilities include persons with expertise in second language acquisition and other professionals, such as speech- language pathologists, who understand how to differentiate between limited English proficiency and a disability (ED July 2014, FAQ#5).
- Ensuring that limited English proficient parents/guardians understand and are able to meaningfully participate in IEP team meetings at which the child's participation in the annual state ELP assessment is discussed. If a parent whose native language is other than English is participating in IEP meetings, the IDEA regulations require each public agency to take whatever action necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter (34 CFR section 300.322[e]). When parents themselves are LEP, Title VI of the Civil Rights Act of 1964 also requires that the LEA effectively communicate with parents in a manner and form they can understand, such as by providing free interpretation and/or translation services (ED July, 2014, FAQ#6).
- Ensuring that all English learners, including those with disabilities, participate in the annual state ELP assessment, with or without accommodations, or take an appropriate alternate assessment, if necessary (section 1119[b][7] of the ESEA and section 612[a][16][A] of the IDEA). An IEP Team cannot determine that a particular English learner with a disability should not participate in the annual state ELP assessment (ED July, 2014, FAQ#7).

Appendix F IEP Team Checklist for English Learners(ELs)

Directions: The school IEP team should complete this checklist to ensure that all areas pertinent to English learners (ELs) are considered

- 1) ☐ Yes ☐ No There is evidence the IEP notice was sent home in the parent/guardian's native language.

Comments:
- 2) ☐ Yes ☐ No The IEP indicates if the student is classified as an English learner.

Comments:
- 3) ☐ Yes ☐ No The IEP includes the student's current level of English language proficiency in listening, speaking, reading, and writing (ELPAC or alternative assessment scores / levels).

Comments:
- 4) ☐ Yes ☐ No The IEP indicates if the student requires alternate assessments to the required statewide ELD assessment by domain, and if so, what the alternate assessment(s) will be administered.

Comments:
- 5) ☐ Yes ☐ No The IEP includes linguistically appropriate goals and objectives in areas of disability that involve language (if objectives are required) that reflect assessed English development levels).

Comments:
- 6) ☐ Yes ☐ No The IEP indicates who will provide the ELD services(in general education or special education).

Comments:
- 7) ☐ Yes ☐ No The student was assessed in his/her native language at the initial and triennial IEP (unless there is documentation that the student was assessed in the native language and English and is functioning commensurate or higher cognitively in English).

Comments:
- 8) ☐ Yes ☐ No The parent was offered an interpreter if their native language is not English (signature of interpreter is on IEP or documented in the IEP notes).

Comments:
- 9) ☐ Yes ☐ No There is evidence the parent was informed they could request a written translation of the IEP and assessment reports in their native language.

Comments:

Appendix G Meeting the Needs of English Learners(ELs) with
Disabilities Resource Book

Meeting the Needs of English Learners (ELs) with Disabilities Resource Book

<http://www.sbcselpa.org/english-learners-els-2/>



By
Jarice Butterfield, Ph. D.
Santa Barbara County SELPA
On Behalf of the SELPA Administrators of California Association

Revised in June, 2017
by: Jarice Butterfield Santa Barbara County SELPA Director
Gloria Lopez, Retired LAUSD SELPA Director
Lora Gonzalez, Yuba County SELPA Director

This resource book provides regular and special educators information and resources regarding best practices and regulatory requirements for identifying, providing services, and reclassifying English Learners with disabilities. This publication was designed and written to provide the most current and accurate information in regard to English Learners with disabilities known to date in the State of California. It is distributed with the understanding that neither the authors nor the SELPA Administrators of California is engaged in rendering legal, accounting, or other professional service. If legal advice or other expert assistance is required, the services of an appropriate professional should be solicited.



SECTION 4

SPECIAL EDUCATION ELIGIBILITY CRITERIA

Section 4 Special Education Eligibility Criteria

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Section 4 Special Education Eligibility Criteria

4.1 INTRODUCTION

The purpose of this chapter is to define the specific processes and procedures involved in determining a student's need to receive special education and related services. It is not meant to determine instructional setting or placement. Those determinations are made by the IEP team based on identified student needs.

The determination of eligibility must be based on the findings of a multidisciplinary assessment where no single test or single observer is the sole determining factor. The IEP Team must ensure that the student's academic needs cannot be met through modifications of the regular education program and that the disability, even with corrections and modifications, adversely affects the individual's educational performance. The IEP team must also assure that all areas of suspected disability have been assessed. There shall be further documentation that race, cultural differences, economic disadvantage, language background, limited school experience and poor attendance are not primary contributing factors to the results of the assessment. The IEP team will determine eligibility, present levels of performance, areas of need and goals that address each area of need. Goals and (objectives if required) will be supported by appropriate services in the least restrictive environment as determined by the IEP Team for the child to receive educational benefit.

4.2 PRIOR TO REFERRAL FOR SPECIAL EDUCATION

The Student Success Team (SST), or the referring instructional personnel, shall document that accommodations/modifications of the regular program have been attempted and that the results of those modifications have not been effective in meeting the student's need for an appropriate education. Students shall be referred for special education and related services only after the resources of the regular education program have been considered and, where appropriate, utilized. The Student Success Team (SST) is a regular education function. It is a process of reviewing individual student issues pertaining to educational performance and planning instructional interventions to be implemented in the regular classroom.

Although specialists, such as school psychologists, speech/language pathologists, and resource specialists may be involved in the SST process, the SST is not a special education function and as such is not subject to the associated restrictions and timelines.

A special education referral may be appropriate after interventions have been implemented.

4.3 REFERRAL

All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the school district or special education local plan area shall offer assistance to the individual in making a request in writing, and shall assist the individual if the individual requests such assistance.

All school staff referrals shall be written and include:

1. A brief reason for the referral.
2. Documentation of the resources of the regular education program that have been considered, modified, and when appropriate, the results of intervention. This documentation shall not delay time lines for completing the assessment plan or assessment. (C.C.R., Title 5, Sec.3021)

4.4 ASSESSMENT

The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following:

1. Whether the pupil may need special education and related services;
2. The basis for making the determination;
3. The relevant behavior noted during the observation of the pupil in an appropriate setting
4. The relationship of that behavior to the pupil's academic and social functioning;
5. The educationally relevant health and development, and medical findings, if any;
6. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate and;
7. The need for specialized services, materials, and equipment for the pupils with low incidence disabilities. (EC 56136)

Assessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the pupil. (C.C.R., Title 5, Sec. 3023) If it clearly is not feasible to do so, an interpreter must be used, and the assessment report shall:

1. Document this condition and note that the validity may have been affected
2. The normal process of second-language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a disabling condition.

The assessment of a student, including a student with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment. (EC 56136)

4.5 ELIGIBILITY CRITERIA

A student qualifies as an individual with exceptional needs, if the results of the assessment demonstrate that the degree of the student's impairment requires special education and related services. The decision as to whether or not the assessment results demonstrate that the degree

of the student's disability requires special education shall be made by the IEP team, including assessment personnel. The IEP team shall take into account all the relevant information that is available on the student. No single score or product of scores shall be used as the sole criterion for the decision of the IEP team as to the student's eligibility for special education. (EC 56220 (a) 56026, 56320, 3030 (a through j) 56361 56341 (d))

Eligibility Criteria are separated into thirteen federal classifications. Students need only to meet eligibility under one of these federal classifications. (34 C.F.R., Part 300.7.)

Three Primary Factors Must Be Considered

Three primary factors must be considered in making this determination for eligibility:

1. Does the student meet the eligibility criteria as an individual with a disability?
2. Does the severity of the disability have an adverse effect on the student's educational performance?
3. Does the student require special education and services to achieve a free appropriate public education?

Special Rule for Eligibility Determination

In making a determination of eligibility, a child shall not be determined to be a child with a disability if the determinant factor for such determination is:

1. Lack of appropriate instruction in reading, including the essential components of reading instruction.
2. Lack of instruction in math; or
3. Limited English proficiency (EC 56333-56339; 5 CCR 3030; CFR 300.7, 300.534)

Evaluations Before Change in Eligibility

1. A LEA shall evaluate a student with a disability before determining that the student is no longer a child with a disability.
2. Exception: The evaluation shall not be required before the termination of a student's eligibility due to graduation from high school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education. However a Prior Written Notice is required.

4.6 ELIGIBILITY CATEGORIES

Autism (AUT):

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a child's educational performance. Other characteristics often associated with autism are

engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

1. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. C.F.R. 300.7 (c)
2. A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in subdivision (b)(1) of this section are satisfied.

Deaf-Blindness (DB):

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Deafness (D):

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

Hearing Impairment (HI):

Hearing impairment means an impairment in hearing whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

Intellectual Disability (ID):

Intellectual Disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

Multiple Disabilities (MD):

Multiple disabilities means concomitant impairments (such as intellectual disability-blindness, intellectual disability orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

Orthopedic Impairment (OI):

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, poliomyelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Other Health Impairment (OHI):

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that –

1. Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and Tourette Syndrome, and
2. Adversely affects a child's educational performance.

Emotional Disturbance (ED):

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's education performance:

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances.
4. A general pervasive mood of unhappiness or depression.
5. A tendency to develop physical symptoms or fears associated with personal or school problems.
6. The term includes schizophrenia.

The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

Special Learning Disability (SLD):

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, phonological processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

- (A) Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(B) In determining whether a pupil has a specific learning disability, the public agency may consider whether a pupil has a severe discrepancy between intellectual ability and achievement in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The decision as to whether or not a severe discrepancy exists shall take into account all relevant material which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the IEP team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the IEP team shall use the following procedures:

1. When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the intellectual ability test score to be compared; second, computing the difference between these common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.
2. When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.
3. If the standardized tests do not reveal a severe discrepancy as defined in subdivisions 1 or 2 above, the IEP team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more of the basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:
 - (i) Data obtained from standardized assessment instruments;
 - (ii) Information provided by the parent;
 - (iii) Information provided by the pupil's present teacher;
 - (iv) Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;

- (v) Consideration of the pupil's age, particularly for young children; and
 - (vi) Any additional relevant information.
- 4. A severe discrepancy shall not be primarily the result of limited school experience or poor school attendance.
- (C) Whether or not a pupil exhibits a severe discrepancy as described in subdivision (b)(10)(B) above, a pupil may be determined to have a specific learning disability if:
 - 1. The pupil does not achieve adequately for the pupil's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the pupil's age or State-approved grade-level standards:
 - (i) Oral expression.
 - (ii) Listening comprehension.
 - (iii) Written expression.
 - (iv) Basic reading skill.
 - (v) Reading fluency skills.
 - (vi) Reading comprehension.
 - (vii) Mathematics calculation.
 - (viii) Mathematics problem solving, and
 - 2.
 - (i) The pupil does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in subdivision (b)(10)(C)(1) of this section when using a process based on the pupil's response to scientific, research-based intervention; or performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 C.F.R. sections 300.304 and 300.305; and
 - (ii) The pupil exhibits a pattern of strengths and weaknesses in
 - 3. The findings under subdivisions (b)(10)(C)(1) and (2) of this section are not primarily the result of:
 - (i) A visual, hearing, or motor disability;
 - (ii) Intellectual disability;

- (iii) Emotional disturbance;
 - (iv) Cultural factors;
 - (v) Environmental or economic disadvantage; or
 - (vi) Limited English proficiency
1. To ensure that underachievement in a pupil suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group making the decision must consider:
 - (i) Data that demonstrate that prior to, or as a part of, the referral process, the pupil was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 - (ii) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the pupil's parents.
 2. In determining whether a pupil has a specific learning disability, the public agency must ensure that the pupil is observed in the pupil's learning environment in accordance with 34 C.F.R. section 300.310. In the case of a child of less than school age or out of school, a qualified professional must observe the child in an environment appropriate for a child of that age. The eligibility determination must be documented in accordance with 34 C.F.R. section 300.311.

Speech or Language Impairment: (SLI):

A pupil has a language or speech disorder as defined in Education Code section 56333, and it is determined that the pupil's disorder meets one or more of the following criteria:

- (A) Articulation disorder
1. The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.
 2. A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

(B) Abnormal Voice

A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.

(C) Fluency Disorders

A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.

(D) Language Disorder

The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:

1. The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or
2. The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subdivision (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of 50 utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

Traumatic Brain Injury (TBI):

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Visual Impairment including Blindness (VI):

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.



SPECIAL EDUCATION LOCAL PLAN AREA

SECTION 5

INDIVIDUALIZED EDUCATION
PROGRAM

Section 5 Individualized Education Program

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Section 5 Individualized Education Program

5.1 INTRODUCTION

The Individualized Education Program (IEP) is a written plan which is developed by an IEP team that results in an offer of Free Appropriate Public Education (FAPE) that provides educational benefit for a student with a disability. The IEP document describes the student's present level of academic achievement and functional performance, sets annual goals and describes the special education program and related services needed to meet those goals.

The SELPA or LEA will provide a continuum of program options to meet the needs of students with disabilities to ensure a free appropriate public education (FAPE).

The IEP team determines the program or combinations of programs that can meet the student's needs in the least restrictive environment (LRE), allowing for maximum interaction with *typically* developing peers and course content consistent with instruction provided to students without disabilities.

Once a student has been found eligible for special education and related services, placement is based upon the specific needs of the student in the least restrictive environment. Related services are provided only if necessary for the student to benefit from their special education program.

The IEP shall show a direct relationship between the present levels of performance, the goals (and objectives if appropriate) and the specific educational services to be provided. (C.C.R., Title 5, Sec. 3040 (c))

5.2 INDIVIDUALIZED EDUCATION PROGRAM REQUIREMENTS

Development of the IEP

An IEP shall be developed within a total time not to exceed 60 calendar days, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of receipt of the parent's written consent for assessment, unless the parent agrees, in writing, to an extension. (EC 56344(a))

A district LEA administrator or designee will initiate and conduct the meeting for the purpose of developing, reviewing, and revising the IEP of a child with a disability.

All efforts will be made to ensure that one or both of the parents of a child, with a disability, are present at each IEP meeting or are afforded the opportunity to participate. The parent will be notified of the meeting early enough to ensure that they will have an opportunity to attend. The meeting will be scheduled at a mutually agreed upon time and place.

When developing each student's IEP, the IEP team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child. The IEP team will consider the results of the initial or most recent evaluation of the child, and as appropriate, the results of the child's performance on any general State or district wide assessment program. (EC 56342)

LEAST RESTRICTIVE ENVIRONMENT Definition:

- (a) To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with typically developing peers.
- (b) Special classes, separate schooling, or other removal of individuals with exceptional needs from the general educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (30 EC56040.1)

Least restrictive environment (LRE) requirements include the following:

- (1) The student's placement will be as close as possible to his/her home.
- (2) Unless the IEP requires some other arrangement, the student will be educated in the school that he or she would attend if not identified with special needs.
- (3) In selecting the least restrictive environment, consideration will be given to any potential harmful effect on the student or on the quality of services that he/she needs.
- (4) A student with a disability will not be removed from education in age-appropriate regular education classrooms solely because of needed modifications in the general curriculum.
- (5) In providing or arranging for the provision of nonacademic and extracurricular services and activities, the district will ensure that the student with the disability participates with typically developing peers in those services and activities to the maximum extent appropriate to the needs of that student.
- (6) Special classes may enroll a student only when the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services, including curriculum modifications and behavioral support, cannot be achieved satisfactorily. These requirements also apply to separate schooling or other removal of students from the general education environment. (EC 56364, 56364.2; 5 CCR 3042; CFR 300.550)

The IEP team shall document its rationale for placement in other than the student's school and classroom in which he/she would otherwise attend if he/she did not have a disability. The documentation shall indicate why the student's disability prevents his/her needs from being met in a less restrictive environment, even with the use of supplementary aids and services.

In determining the educational placement of a student with a disability, the LEA will ensure that the placement decision is made by an IEP team including the parents, and other persons knowledgeable about the student.

All placement decisions will be based on the individual needs of the student pursuant to the IEP and not on the basis of the disability, configuration of service delivery, availability of staff, curriculum intent or administrative experience. All placements will be made in the least restrictive environment.

Specific educational placement means that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs, as specified in the individualized education program, in any one or a combination of public, private, home and hospital, or residential settings. (C.C.R., Title 5, Sec. 3042)

The continuum of options include, but are not necessarily limited to all of the following or any combination of the following:

- (1) General education classroom
- (2) General education classroom with accommodations as determined by IEP
- (3) General education classroom with supplementary aids and services
- (4) General education classroom with specialized academic instruction/ resource specialist services
- (5) General education classroom with specialized academic instruction/ related services
- (6) General education classroom with services from a special education specialist/ special day class teacher and supports and/or related services
- (7) Special classes and centers
- (8) Nonpublic, nonsectarian school services
- (9) State special schools
- (10) Residential schools
- (11) Home/ Hospital

IEP Content

The term “individualized education program” (IEP) means a written statement for each child with a disability that is developed, reviewed, and revised and includes:

- (1) a statement of the child’s present levels of academic achievement and functional performance, including:
 - (a) how the disability affects the child’s involvement and progress in the general education curriculum;
 - (b) for preschool children, as appropriate, how the disability affects the child’s participation in appropriate activities; and
 - (c) for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.
- (2) a statement of measurable annual goals, including academic and functional goals designed to:
 - (a) meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and
 - (b) meet each of the child’s other educational needs that result from the child’s disability.
- (3) a description of how the child’s progress toward meeting the annual goals will be measured, and when periodic reports on progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with issuance of report cards) will be provided;
- (4) a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child:
 - (a) to advance appropriately toward attaining the annual goals;
 - (b) to be involved in and make progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and
 - (c) to be educated and participate with other children with disabilities and typically developing peers in the activities described above.

- (5) an explanation of the extent, if any, to which the child will not participate with typically developing peers in the regular class and extracurricular and nonacademic activities;
- (6) a statement of any individual appropriate accommodations that is necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments.

If the IEP team determines that the child shall take an alternate assessment on a particular State or district-wide assessment of student achievement, a statement of why:

- (a) the child cannot participate in the regular assessment; and
 - (b) the particular alternate assessment selected is appropriate for the child;
- (7) the projected date for the beginning of services and modifications, and the anticipated frequency, location and durations of those services and modifications.
 - (8) Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter:
 - (a) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
 - (b) the transition services (including course of study) needed to assist the child in reaching those goals; and
 - (c) beginning not later than 1 year before the child reaches the age majority (age 18), a statement that the child has been informed of the child's rights that will transfer to the child when reached age 18.

When appropriate, the IEP will also include other necessary services, such as extended school year (ESY), transportation, type of physical education, prevocational, vocational and career education. (30 EC 56345)

All service providers, the school site and any outside agencies that will provide services will be given a copy of the IEP or be knowledgeable of its content.

5.3 IEP TEAM MEMBERS

IEP TEAM MEMBERS

The table below lists members of an IEP Team for students receiving special education and related services under Part B of IDEA.

Required IEP Member	Role
Parents/Guardians: A person having legal custody of a student. A person acting in place of a parent with whom the student lives. Foster parent if court terminated parental rights. An educational surrogate appointed for a student who is a ward of the state	☒ Identify the learning strengths/preferences of their student at home and in the community ☒ Consider need for accommodations or modifications in the classroom ☒ Consider need for accommodations or modifications in the state assessment program ☒ Identify their priorities for their student's short and long-term education ☒ Identify the daily living skills their student demonstrates at home
Student (grades 6-12 or younger if appropriate)	☒ Represent his/her own strengths/preferences and needs
Special Education Teacher	☒ Provide information on student's performance based on class work, observation, and assessment ☒ Provide expertise in effective teaching strategies for special education students ☒ Interpret instructional implications of academic assessments

General Education Teacher	€ Provide expertise in general education standards, and curriculum € Describe implementation of classroom accommodations and modifications € Provide information on student's performance based on observation and class work € Help and Decide: 1. Appropriate positive behavioral interventions and supports & other strategies for the student 2. Supplemental aides and services 3. Program modifications 4. Support for school personnel
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Principal or Assistant Principal, Administrator or Administrative Designee	€ Facilitate and monitor the IEP meeting process € Review Parent Rights and Responsibilities and Due Process Procedures € Set meeting length and need for follow-up € Knowledgeable about availability of resources € Have the authority to commit District resources € Be qualified to provide or supervise the provision of special education services
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Additional IEP Members	Role
Designated Instructional Service professionals/other participants (i.e. school psychologist, speech and language therapist, adapted physical education specialist, nurse, etc.)	⊄ Interpret social, emotional, intellectual, language development, and/or physical/health assessments ⊄ Describe educational implications of evaluation results ⊄ Provide information on student's performance based on therapy sessions and observation, if applicable
Representative selected by parents/guardians	⊄ Based on parent request ⊄ IFSP Service Providers for students transitioning from Part C Early Start services ⊄ Have knowledge or special expertise concerning the student

It is recommended when the need arises, that when input from the Department of Rehabilitation or other agency is needed, that they be invited to the IEP meeting. Additionally, any district staff that has responsibilities for behavior intervention may be invited as appropriate.

It is expected that IEP team members will participate in the meeting to its completion. If necessary, itinerant staff may leave the meeting **if excused by the parents** after their presentation, and if they have answered all questions from IEP members. General education teachers are required to participate in the following IEP discussions if the student is currently in their classroom:

- Positive behavioral interventions and strategies
- Present levels of performance
- Supplementary aids and services
- Goals and Objectives that will be implemented in the general education classroom
- Program and curricular modifications
- Supports for school personnel
- Instructional interventions and strategies

5.4 SCHEDULING AND NOTIFICATION OF THE IEP MEETING

Since it is essential that IEP team members are available and prepared for the meeting and that meetings are held within required timelines, effective scheduling is important. In most schools the vast majority of IEP meetings held each year are annual reviews.

The Special Education Teacher of Record (case manager) shall notify parents/guardians of the IEP meeting early enough to ensure an opportunity to attend. All efforts to facilitate a parent's participation must be documented. The meeting must be scheduled at a mutually agreed upon time and place. In order to encourage parent participation, school staff must explore alternative types of participation, such as individual or conference calls, if a parent is unable to attend a meeting. The meeting shall occur no later than 60 calendar days from receipt of the signed Assessment.

The case manager must document parent/guardian contacts to schedule the IEP as follows:

- Copies of correspondence sent to the parents/guardians and any responses received
- Detailed records of telephone calls made or attempted and the results of those calls

5.5 INTERPRETATION / TRANSLATION SERVICES

The school shall identify and provide translation services for parents/guardians who need this in order for the parent(s) to participate fully in the IEP. The case manager arranges for these services through the school site or Special Education Department.

5.6 STAFF PREPARATION FOR AN IEP MEETING

Prior to an IEP meeting, all District members of the IEP team should meet to assure that all staff participating in the IEP meeting receive the Notification and are able to attend. Review the assessment plan to ensure that all assessment reports have been completed and translated (unless clearly not feasible to do so), and a copy of the report has been provided to the parents if possible prior to the meeting if they requested a copy. Plan the IEP agenda. Develop draft IEP goals and objectives and make clear to parents that the goals and objectives are provided for review and discussion.

5.7 CONDUCTING AN IEP TEAM MEETING

For the IEP meeting, all reports will be made available for the parent/guardian to read and keep. Reports shall be written for all initial, annual, and triennial IEP meetings. The chairperson conducts the meeting according to the sequence below. Other professional staff members may assist the chairperson. It is crucial that parents fully understand and participate in all aspects of the IEP meeting. It is the responsibility of the school site IEP team members to ensure that information presented to the parents is clear and concise. A Parental Rights and Procedural Safeguards Handbook is to be provided to each parent annually and whenever requested by a parent.

The basic outline for an IEP meeting follows:

Agenda Item	Discussion/Documentation Points
Introduction	☒ Welcome and introductions ☒ Attendance ☒ Time availability ☒ Type of IEP and purpose ☒ Document that Parents' Rights were offered and questions were answered
Present Levels of Performance	☒ Summarize report(s) reviewing present levels of performance including how the student's disability affects participation and performance in the general education curriculum ☒ Identify level of English proficiency if English Learner ☒ Note student's strengths, interests and learning preferences
Parents' concerns and priorities	☒ Note parents' concerns and priorities and document how each of these areas are addressed
Eligibility (for initial and triennial evaluations)	☒ Determine if student's needs meet one of the federal handicapping

	conditions Consider referral to school 504 team if student is ineligible for special education services
Goals and Objectives	Based upon the identified unique needs of the student, determine measurable goals and objectives that meet the student's needs in the area(s) of disability, link to the standards, and allow participation and progress in the general education curriculum
Special Education and Related Services	- Discuss continuum of placement options and identify Least Restrictive Environment - Delineate designated instruction and services - Outline instructional accommodations and modifications - Discuss student's ability to participate with non-disabled students in the general education class, and during extracurricular and non-academic activities - Determine appropriate assessment accommodations and modifications - Discuss special factors, e.g. ELD, behavior plan, etc. - Extended school year (ESY) - Document formal offer of FAPE based upon information presented throughout the meeting
Completion of IEP/ Signatures	Review IEP and notes page(s), and obtain signatures

5.8 IEP Team Notes

Notes should be taken during an IEP team meeting to summarize significant points at every stage of the IEP meeting. These notes also record the IEP team's efforts to meet unique needs through the offer of FAPE.

The notes should reflect the following discussion in regard to behavior and placement:

If the behavior of the student is a factor in the placement decision, the IEP team must address the following:

- What are the behavioral expectations in the student's classroom(s)?
- Has a collaborative team consisting of people with expertise and experience working with the student and his/her family been assembled to support the student by developing positive behavioral supports?
- Do behavioral supports need to be developed for the student's behaviors, which are not considered to be serious? If so, have the specific behavioral goals and objectives, consistent reinforcements and social skills to be taught, been written into the IEP?
- Is the student demonstrating serious behaviors which interfere with daily learning? Has a Behavior Support Plan been developed that identifies the communicative intent of the behavior(s), the antecedent/environmental factors contributing to the behavior(s), social skills to be taught, goals and objectives and needed accommodations, modifications, services and supports? If a Behavior Support Plan has not been developed, and one is needed, the IEP team should develop one (See the chapter on Behavior for more information)
- If the student demonstrates a serious behavior problem that significantly interferes with the implementation of the student's IEP goals and objectives and which is self injurious, assaultive or causes property damage, and which is severe, pervasive and maladaptive and requires frequent and systematic application of behavioral interventions, has a Functional Analysis Assessment been conducted? If not, the IEP team should consider requesting a Functional Analysis Assessment before considering placement in a more restrictive environment.

In considering the above, be sure to identify and document on the IEP the following:

- Previously effective means of addressing the behavior.
- The team members involved in implementing the Behavior Intervention or Behavior Support Plan.
- The current classroom management practices that will be augmented.

- The instructional strategies, enabling responses, and reinforcement strategies that will be employed.
- The settings in which the Behavior Intervention Plan or Behavior Support Plan will be consistently used.
- The acceptable interventions to ensure the safety of the student and others according to District standards.

When considering placement in the general education classroom the following must be addressed and documented in the notes on the IEP:

- What modifications need to be provided by the general education teacher in order for the student to be involved in and progress in the general curriculum, be held to high achievement standards, appropriately interact with non-disabled peers in the classroom and activities outside of the classroom, including extracurricular activities?

Notes shall not be written prior to the IEP meeting.

5.9 WRITING THE IEP

The IEP team develops a written document to meet each student's areas of identified need for all students eligible to receive special education and related services under Part B of IDEA. The written IEP establishes eligibility and specifies the educational program and services for the student. The written IEP must be presented to the parent/guardian of a student with disabilities as documentation that the district has offered a free appropriate public education (FAPE). The essential components of an IEP document are:

IEP COMPONENT	CONTENT
Eligibility Statement (required for Initial and Triennial IEP)	• Identified area of disability adversely affecting educational performance • Determine whether the student qualifies for low incidence
Present Levels of Performance	• Description of what the student can do based on assessment information • Performance in academic, social, language, self-help, cognitive/perceptual-motor and vocation/career skills areas

	• Description of how the disability affects the student's involvement and progress in the general education • Level of English proficiency for an EL student
Annual Goals and Benchmarks	• Directly related to the student's present levels of performance and identified area(s) of need • Measurable annual goals (and at least 2 benchmarks for each goal for students who take the CAA) • Statement of how goals and objectives will be measured, when progress toward goals will be reported, how parents will be informed of progress (concurrent with the issuance of report cards, and the extent to which that progress will enable the student to achieve annual goals) • Person responsible (This should not be the parent) • Standard number and ELD number, if appropriate • Projected completion date
Educational Services	• Statement of special education services, related services, supplementary aids/services, modifications and accommodations, and English • Language Development instruction • Dates of initiation, duration, and frequency of services

	• Extent of participation in general education, extracurricular and non-academic activities • Extent, if any, to which student will not participate with non-disabled peers in the general education class • Transition services • Rights transfer to student at age 18 • Transportation • Extended School Year (specified services)
Designated Instruction and Services (DIS)	• Identified related or supplementary services • Program accommodations and modifications
Performance Assessments	• Any accommodations or modifications needed for participation in state and district assessments, or participation in the alternative state test (e.g, CAA)
Placement Recommendation	• Least Restrictive Environment • General education class assignment determined by school site team members • Include frequency and duration and specify by subject/activity(s)

5.10 RESOLVING DISAGREEMENTS

OVERVIEW

There are two categories of disagreements that may arise between parents and the District. The first is disagreements over what is appropriate for the student. These are usually disagreements pertaining to placement and services.

There are three methods for resolving disagreements over what is appropriate for a student with disabilities:

1. Request for Due Process/Informal Dispute Resolution
2. State mediation
3. State due process hearing with option for mediation.

The second category is disagreements concerning compliance with State or Federal policies. Such as:

- Whether District procedures are in compliance with policy
- Whether District procedures are being implemented appropriately
- Whether a student is receiving the services specified in their IEP.

There are three methods for investigating and resolving matters relating to compliance. They are:

1. Internal District complaint procedure
2. California Department of Education (CDE) complaint procedure
3. Office of Civil Rights (OCR) complaint procedure

5.11 ADDITIONAL IEP COMPONENTS FOR ENGLISH LEARNERS

In addition to the components of an IEP in the previous table, an IEP for English Learners must include relevant information about the student's proficiency in English, opportunity to learn English, and needs for continued English Language Development and appropriate instruction. Specific topics to review and included in an IEP for English Learners are:

IEP LINGUISTIC COMPONENT	EVIDENCE
English Language Proficiency	• ELPAC results • ELD Portfolio
Academic Performance in English	• California Standards Tests • Classroom Assessments • Other Assessments
Spanish Proficiency	• Spanish Language Proficiency • SABE
ELD Program	• Frequency of ELD instruction • Duration of ELD instruction
Instructional Program	• Structured English Immersion • Mainstream English Class • Waiver Class – Dual Language Immersion
Linguistic Supports in Content Subjects	• Specially Designed Academic Instruction in English • Sheltered English Instruction • Instructional Assistant
IEP Goals and Benchmarks	• Goals are linguistically appropriate and based on Standards for English Learners and matched to California Content Standards

5.12 IEP GOALS AND BENCHMARKS

IEP goals and benchmarks, or objectives, are the foundation of the educational program for a student receiving special education services. The goals and benchmarks are based on the student's present levels of performance and identified areas of disability. The IEP goals and benchmarks reflect the skills, knowledge, attitudes, and/or behaviors that drive the educational or other service programs for the student with disabilities.

Educational IEP goals and benchmarks refer to the California Common Core State Standards as well as the Core Content as appropriate for the individual student with disabilities. For detailed information on writing standards based goals and benchmarks, please refer to "IEP Goal Writing" found here <http://casponline.org/pdfs/pdfs/9%20CCSS-IEP-Goal-Writing-Document.pdf>

Prior to the IEP meeting, the teachers, specialists and/or parents may develop a draft set of goals and benchmarks. Draft IEP goals and benchmarks may be sent to parents prior to the IEP meeting. During the IEP meeting, the team seeks input from all members to develop the final IEP goals and benchmarks agreed to by the IEP team.

The IEP goals and benchmarks need to provide the balance for student progress from current levels of performance toward mastery of appropriate standards in each area of identified need.

IEP Goal Areas

The IEP team must consider whether or not the student's present levels of performance indicate needs in the following domains:

- Cognitive Development – including pre-academic and academic development
- Communication Development – including English Language Development
- Social/Emotional Development – inter- and intrapersonal relationships
- Sensory/Motor Development
- Adaptive Behavior – including self-help, pre-vocational and vocational skills
- Behavior
- Health

Effective IEP Goals and Benchmarks

Effective IEP goals and benchmarks are:

- Based on evidence of the student's present levels of performance.
- Linked to the California Common Core Standards as well as the Core Content Connectors.
- To include at least two measurable benchmarks for each goal in order to document performance improvement (for students who take the CAPA).
- To anticipate reasonable accomplishments within a 12-month period.

- Specific for each area of identified need
- Prioritized based on the student's needs and the appropriate standards
- To identify: Who? Does what? By when? How measured? What level of accuracy?

Note: Goals and benchmarks are written to address a student's identified area(s) of need(s) to meet appropriate standards, not written to specific programs, curriculum, or course requirements in which the student will participate.

5.13 ACCOMMODATIONS AND MODIFICATIONS FOR INSTRUCTION

Accommodations and Modifications

These two words are often used interchangeably, even in federal language. To provide better and more individualized support to students, the following definitions have been used.

Accommodations are changes to the course content, teaching strategies, standards, test preparation, location, timing, scheduling, expectations, student responses, environment structuring and/or attributes which provide access for a student with a disability to participate in a course/standard/test which **do not fundamentally alter** or lower the standards or expectations of the course/standard/test.

Modifications are changes which **definitely alter** or lower the standards or expectations of the course/standard/test.

How do you decide which to use?

Decisions should always be made by a team of people who know the student, at an IEP meeting, and must be based on student need.

Decisions should also reflect the instructional accommodations and/or modifications the student is benefiting from in the classroom and reflect the impact of the student's disability on performance.

Decisions **should not** be based on a student's category of disability, by the availability of an accommodation, or on how a student is performing.

PARENTAL CONSENT TO THE IEP

The chairperson of the IEP meeting must review the entire IEP document with the parent(s) prior to obtaining parental consent. The entire IEP document, including IEP Team meeting notes, must be completed prior to obtaining parent signatures. The IEP document in its entirety provides the parent with required written notice of any changes in the IEP prior to the parent's signature being obtained.

The chairperson must then review all consent statements with the parent(s) and ask them to initial each of the statements with which they agree. A parent may consent to the entire IEP or parts of the IEP. The chairperson should help the parent, and if necessary, write a statement to the extent of their agreement when a parent is not in agreement to the entire IEP.

If the Parent(s) Disagree with Placement and/or Service Recommendations

It is important that the IEP team discuss the parents' specific disagreements with the recommendations of school members of the IEP team. Often such disagreements can be resolved by providing more complete information about the recommendations and the basis upon which recommendations are made. It may also be possible to resolve disagreements by agreeing to review the student's progress within a specified period of time after implementing the recommendations.

If agreement cannot be reached, list the specific placement and services recommended by the school staff and the parents' specific disagreements(s) on the IEP Team Meeting Notes. Contact the appropriate Director/ Special Education Coordinator/ Program Specialist to consider mediation, due process, or other options.

IEP Team Member Excusal

IEP Team Area of Curriculum Not Being Discussed

A member of the individualized education program team shall not be required to attend an IEP team meeting, in whole or in part, if the parent of student and the LEA agree that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting. (EC 56341(f))

IEP Team Member Area of Curriculum or Related Services Being Discussed

A member of the individualized education program team may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if both of the following occur:

- (1) The parent and the LEA consent to the excusal after conferring with the member.
- (2) The member submits in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting. A parent's agreement shall be in writing. (30 EC 56341 (g)). However, if using excusal for some members, each IEP team meeting must include minimal participants which include:
 - (a) Administrator/designee
 - (b) Special Education teacher
 - (c) General Education teacher
 - (d) Parent/Guardian

If Parents Cannot Attend IEP Meeting

If neither parent can attend IEP meeting, other methods will be used to ensure parent participation, including individual or conference telephone calls.

If the parent cannot be contacted or if the district is unable to convince the parents that they should attend, the IEP meeting may be conducted without a parent in attendance. The district will keep a record of its attempts to arrange a mutually agreed on time and place, such as:

1. A detailed record of phone calls made or attempted and the result of those calls;
2. Copies of correspondence sent to the parents and any responses received; or
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

When no parent can be located or if the court has specifically limited the rights of the parent or guardian to make educational decisions for the child, a surrogate parent will be appointed.

THE IEP TEAM MEETING

The IEP team meets for the following essential purposes:

- Review evaluation and observation reports
- Determine eligibility for special education services
- Address parent concerns
- Develop and/or review annual goals and benchmarks for eligible students
- Make program/placement, related services and modification and accommodation recommendations
- Determine how the student's progress will be addressed

CONVENING AN IEP MEETING

It is the responsibility of the IEP case manager to schedule an IEP meeting:

- When a student has received an initial formal assessment
- When a student demonstrates a lack of anticipated progress in the special education program; when a student has received or will receive failing grades, especially at the secondary level.
- When a student's placement or instruction is to be initiated, changed, or terminated
- Within 60 days receipt of a signed assessment plan for an initial evaluation
- Within 30 days of a parent or teacher request for an IEP review; IEP meetings must be held as frequently as they are requested. There is no legal limit to the number of IEP meetings that may be requested.
- The student reaches five (5) cumulative days of suspension
- If suspensions continue beyond the tenth (10) day, the student must return to the school site and an IEP meeting must be held to determine appropriate services.
- At least annually, to review the student's progress, appropriateness of placement, and to make any necessary revisions
- For reevaluation every three years
- Within 30 days of a special education student's transfer into the district

TYPES OF IEP MEETINGS

The table below lists types of IEP meetings, timelines, and the purpose of the IEP meeting.

IEP Type	Timeline	Purpose
Initial IEP	Within 60 days of a signed Assessment Plan, not counting days between the pupil's regular school terms, or school vacation in excess of five school days	• Review assessment results • Determine student eligibility • Determine annual goals and benchmarks • Identify needed accommodations and modifications • Recommend program placement
30 Day Interim IEP	Within 30 days of enrollment in school within the district of signed assessment plan.	• Review appropriateness of placement and services in order for the student to meet goals • Review accommodations and modifications
Annual IEP	Annual anniversary of Initial IEP	• Review progress toward goals and benchmarks

		• Review appropriateness of placement/services • Review continued eligibility • Revise accommodations and modifications
Triennial IEP	Three year anniversary of Initial IEP	• Provide complete assessment (if warranted) of present levels of performance • Evaluate student progress in meeting goals and benchmarks • Review appropriateness of placement/services • Determine continued eligibility • Review and revise accommodations and modifications
Suspension/ Expulsion IEP	As needed	• Determine whether behavior leading to expulsion is or is not a manifestation of the student's disability • Develop or revise behavior plan

		● Determine the manner in which services will be provided if student is expelled
Amendment IEP	As needed	● Add or delete services for a student or make other changes (other than a change of placement) prior to or after the annual IEP (Note: the annual review date remains the same)
Transition IEP	Prior to the student's 16th birthday	● Determine a coordinated set of activities that promote transition to post-secondary education, vocational training, adult education, adult services, integrated employment, supported employment, independent living, or community participation
Exit IEP	As needed and before graduation and prior to exceeding age eligibility for FAPE	● Final review for students who are no longer in need or eligible for special education services (e.g. student graduating from school) ● Provide summary of academic achievement
		● Provide summary of functional performance

5.14 SPECIAL EDUCATION AND RELATED SERVICES AND DESCRIPTORS

Specialized Academic Instruction (SAI) is defined as: “Adapting, as appropriate to the needs of the child with a disability the content, methodology, or delivery of instruction to ensure access of the student to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.” (34 CFR 300.26(b) (3)).

When districts/ LEA adopt SAI there will no longer be separate designations by program (i.e., resource specialist and SDC). Therefore, the IEP would denote *specialized academic instruction*.

The primary instructional service for most special education services will be listed as *Specialized Academic Instruction* . As *specialized academic instruction* is identified, one must also identify the amount of service and the location. A student may have more than one line for this service when the locations are different. For example, you may have one line that indicates (SAI) in general education for 10 hours a week, and another line that indicates (SAI) in a separate class for 5 hours per week.

Specialized Academic Instruction/ Resource Specialist Program/Non-intensive Services

Description

The resource specialist program/non-intensive services shall provide, but not be limited to, all of the following:

- (1) Provision for a resource specialist or specialists who shall provide instruction and services for those students whose needs have been identified in an IEP, developed by the IEP Team, and who are assigned to general classroom teachers for a majority of a school day;
- (2) Provision of information and assistance to students with disabilities and their parent;
- (3) Provision of consultation, resource information, and material regarding students with disabilities to their parents and to general education staff members;
- (4) Coordination of special education services with the regular school programs for each student enrolled in the resource specialist program;
- (5) Monitoring of student progress on a regular basis, participation in the review and revision of individualized education programs, as appropriate, and referral of students who do not demonstrate appropriate progress to the IEP Team; and
- (6) Emphasis at the secondary school level on academic achievement, career and vocational development, and preparation for adult life.

Staffing

The resource specialist program shall be under the direction of a resource specialist/mild to moderate specialist, who is a credentialed special education specialist, or who has a clinical services credential, with a special class authorization, who has had three or more years of teaching experience, including both general and special education teaching experience, and who has demonstrated the competencies for a resource specialist, as established by the Commission on Teacher Credentialing.

If the person is classified as a resource specialist the following education code applies:

At least 80 percent of the *resource specialists* within a local plan shall be provided with an instructional aide.

No resource specialist shall have a caseload that exceeds 28 students without a waiver.

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach general classes.

Provision for a resource specialist or specialists who shall provide instruction and services for those pupils whose needs have been identified in an individualized education program developed by the individualized education program team and who are assigned to general education classroom teachers for a majority of a school day. (EC 56362)

Specialized Academic Instruction/Self-Contained Classes/Intensive Services

Description

Placement in a self-contained class/intensive services shall not limit or restrict the consideration of other options, including services provided in a vocational education program or any combination of programs and placements as may be required to provide the services specified in a student's IEP.

The following standards for self-contained classes shall be met:

- (a) Self-contained may enroll students only when the nature or severity of the disability of the student is such that education in the regular classes with the use of supplementary aids and services including curriculum modification and behavioral support cannot be achieved satisfactorily. These requirements also apply to separate schooling or other removal of individuals with disabilities from the general educational environment;

- (b) Students in a self-contained class shall be provided with an educational program in accordance with their individualized education programs for at least the same length of time as the general education school day for that chronological peer group;
- (c) When the IEP team determines that a student cannot function for the period of time of a regular school day, and when it is so specified in the IEP, a student may be permitted to attend a self-contained class for less time than the regular school day for that chronological peer group.

Staffing

The self-contained class shall be taught by a teacher, whose responsibility is the instruction, supervision, and coordination of the educational program for those students enrolled in the self-contained class.

The special day class teacher must hold an appropriate special education credential and possess the necessary competencies to teach students assigned to the class.

LEA's will assign Instructional Assistants to special education classes in accordance with the needs of the students. Instructional assistants will also be assigned in accordance with provisions in individual students' IEPs.

Nonpublic, Nonsectarian School Services

"Nonpublic, nonsectarian school" means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the CDE.

When a student whose educational needs cannot be met in a public educational program, nonpublic nonsectarian school services shall be made available to the student.

NPS/NPA services shall be provided under contract with the LEA or SELPA to provide the appropriate special education and related services when no appropriate public education program is available.

5.15 NON-PUBLIC SCHOOL/ NON-PUBLIC AGENCY PLACEMENT

Non-Public School/Agency Placement Process

Before an LEA places a student with a disability in, or refers a student to, a non-public school (NPS), the LEA shall hold an IEP team meeting to review the IEP.

The IEP team may recommend a NPS placement when a public school placement cannot be identified, which will appropriately meet the student's needs. The IEP team shall take steps to find an appropriate placement in a public program operated by another LEA including the regionalized programs. Following determination by the IEP team that the student requires a NPS placement, the LEA in consultation with parents and other public agencies, (which may have financial responsibilities for the placement of the student) will select one or more non-public schools to determine which one can implement the student's IEP. (EC 56342)

Out-of-State Non-Public Placements

Before contracting with a NPS outside of California, the LEA shall document its efforts to utilize public schools or to locate an appropriate NPS within the state.

If an LEA decides to place a student in an NPS outside of this state, the LEA shall indicate the anticipated date for the return of the student to a public school or NPS or a combination thereof, located in the state and shall document efforts during the previous placement year to return the student.

If an LEA places a student with an NPS outside of this state, the student's IEP team shall submit a report to the (district) superintendent within 15 days of the placement decision. The report shall include information about the special education and related services provided by the out-of-state program placement and the costs of the special education and related services provided, and shall indicate the efforts of the LEA to locate an appropriate public school or NPS or a combination thereof, within the state. The superintendent shall submit a report to the State Board of Education on all placements made outside of this state. (E.C. 56365) The District will complete *Reporting of Out-of-State Nonpublic, Nonsectarian School and Agency Placement* form, send it to CDE Interagency-Nonpublic Schools/Agencies Unit and send a copy to the SELPA office for reporting functions.

5.16 CHANGE OF STUDENT RESIDENCE

Transfer of Student Receiving Services in Non-Public School

When a student, receiving services in a NPS, moves outside of the boundaries of the local district, the parent shall immediately report the change of residence to the administrator of both the former and new public school and the NPS. As agreed by the terms of the contract, the contracting NPS shall immediately notify the LEA in both the former and new residence areas. The superintendent (or designee) of the local district making payment to the NPS must immediately notify the new local district of the transfer and provide a copy of the student's records, including the IEP, and the contract for services with the NPS. The fiscal responsibility of the former local district shall terminate on the last day of the student's residence in that district.

Within (15) working days of receiving the student's records, the receiving district in the SELPA shall conduct a review of the student's IEP to determine whether or not the NPS placement is still appropriate. The following factors shall be considered in determining the appropriateness of the pupil's current placement:

- No appropriate public education program is available.
- To move the student at the time of change of residence would be harmful to the health, welfare or educational progress of the individual.
- The NPS continues to be within a reasonable distance and/or travel time from the home of the student.
- Other contingencies that necessitate the individual remaining at the NPS as determined by the IEP team.

If the student's NPS placement is considered appropriate in keeping with the federal mandate of the least restrictive environment, the receiving LEA shall negotiate a new contract for services with the NPS. If the placement is considered inappropriate, the new LEA shall, after a review of the IEP and with the consent of the parent/guardian, provide the needed special education services and facilities.

Transfer of Student in a Residential Non-Public School

When a student was placed and residing in a residential NPS prior to transferring to a school district in another special education local plan area, and this placement is not eligible for funding pursuant to Section 56836.16, the district that made the residential NPS placement in the SELPA prior to transfer shall continue to be responsible for the funding of the placement, including related services, for the remainder of the school year. An extended year session is included in the school year in which the session ends. (EC 56324(c))

State Special Schools

In determining the educational placement of a child with a disability, including a preschool child, the district will ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child.

All placement decisions will be based on the individual needs of the student pursuant to the IEP and not on the basis of the disability, configuration of service delivery and availability of staff. All placements will be made in the least restrictive environment. (EC 56360, 56361; CFR 300.551, 300.26)

Residential Schools

The IEP team may determine that a student needs a residential placement.

Home and Hospital Instruction

“Home and hospital services” means instruction delivered to children with disabilities, individually, in small groups, or by tele-class, whose medical condition such as those related to surgery, accidents, short-term illness or medical treatment for a chronic illness prevents the individual from attending school. (5 CCR 3065)

5.17 RELATED SERVICES/DESIGNATED INSTRUCTIONAL SERVICES

The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children. (EC 30 EC 56363)

Related services as specified in the IEP shall be available, when the instruction and services are necessary for the student to benefit educationally from his or her special education program. These services may include, but are not limited to, the following:

Speech and Language Services

The related service in language speech and hearing may include:

- (1) Specialized instruction and services for students with disorders of language, speech and/or hearing, including monitoring of student progress on a regular basis, providing information for the review, and when necessary participating in the review and revision of IEPs of students.
- (2) Consultative services to students, parents, teachers, or other school personnel in the management of a student's language, speech development, or hearing needs.
- (3) Coordination of speech and language services with a student's general and special education program.

- (4) The person providing instruction and services shall hold an appropriate credential with specialization in language , speech and hearing.

Caseloads of full-time equivalent speech/language pathologist (SLP) shall not exceed a district-wide or SELPA-wide average of (55) fifty-five students unless the local plan specifies a higher average caseload and the reasons for the greater average caseload. (EC56363.3)

Additionally, the maximum caseload for a speech and language specialist providing services exclusively to individuals with exceptional needs, between the ages of three and five years, inclusive. (EC56441.7)

Audiological Services

Audiological instruction and services, aural rehabilitation, including auditory training and speech reading, may include the following:

- (1) Aural rehabilitation (auditory training, speech reading, language habilitation and speech conservation) and habilitation with individual students or groups and support for the hearing-impaired students in the regular classroom.
- (2) Monitoring hearing levels, auditory behavior, and amplification for all students requiring personal or group amplification in the instructional setting.
- (3) Planning, designing, organizing and implementing an audiology program for individuals with auditory dysfunction, as specified in the IEP.
- (4) Consultative services regarding test findings, amplification needs and equipment, ontological referrals, home training programs, acoustic treatment of rooms, and educational management of the hearing- impaired individuals.
- (5) The person providing audiological services shall hold a valid credential with a specialization in clinical or rehabilitative services in audiology.

Orientation and Mobility Instruction

Related services in orientation and mobility may include the following:

- (1) Specialized instruction for individuals in orientation and mobility techniques.
- (2) Consultative services to other educators and parents regarding instructional planning and implementation of the IEP.
- (3) Counseling services to parents of individuals with disabilities relative to the development of orientation and mobility skills and independent living skills of their children.
- (4) The person providing mobility instruction and services shall hold a credential as an orientation and mobility specialist.

Instruction in the Home and Hospital

Related services in the home or hospital may include the following:

- (1) Instruction and services for individuals with disabilities whose physical condition requires their confinement for prolonged periods of time and who require long-term instruction at home or in a hospital. The IEP team must recommend this service.
- (2) Instruction and service for individuals with disabilities, whose disability restricts their capability to attend school, and whose instructional goals include both academic and rehabilitative services. This service must be recommended by the IEP team and is regarded as an interimplacement.
- (3) One (1) hour of home/hospital instruction is the equivalent of a full day of ADA, and that a typical home/hospital instruction is 1 hour per day. However, the amount of instruction time must be based upon a student's needs, and may be fewer or greater than 60 minutes per day.

Instruction in the home or hospital shall be provided by a general education teacher, special education teacher or the resource specialist, if the teacher or specialist is competent to provide such instruction.

Adapted Physical Education (APE)

Adapted physical education is designed for students with disabilities who require developmental or corrective instruction and which preclude the individual's participation in the activities of the general physical education program, modified regular physical education program, or in a specially designed physical education program in a special class.

Consultative services may be provided to students, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications necessary for successful participation in the general physical education program or specially designed physical education programs.

Teachers instructing adapted physical education shall have a credential authorizing the teaching of adapted physical education as established by the Commission on Teacher Credentialing.

Occupational Therapy and Physical Therapy

As a related service, OT and PT serve a supportive role in helping the student to participate in and benefit from special education.

Educationally-related OT and Pt services are provided within the context of the student's educational program, with service delivery occurring in the school environment where the need occurs. the goal of intervention is to assist the student to function in the school setting by adapting the environment, revision the functional tasks, and by promoting elements of sensorimotor development.

While physical therapist assist with muscle development, occupational therapist assist with the functional use of these muscles. In the educational setting, OT and PT services focus on "improvement of functioning" and not serving goals beyond the capacities of the individual.. Services may include assessment, direct therapy, and several types of consultation. These intervention activities are not mutually exclusive and may occur at the same time.

Vision Services

Related services for the students with visual disabilities may include the following:

- (1) Adaptations in curriculum, media, and the environment, as well as instruction in special skills.
- (2) Consultative services to students, parents, teachers, and other school personnel.
- (3) The person providing services shall hold an appropriate credential with specialization in the area of the visually impaired.

Psychological Services

Related psychological services other than assessment and development of the IEP may include:

- (1) Counseling provided to an individual with disabilities by a credentialed or licensed psychologist or other qualified personnel.
- (2) Consultative services to parents, students, teachers and other school personnel.
- (3) Planning, managing and implementing a program of psychological counseling for eligible children and parents as specified in the IEP.

Parent Counseling and Training

Parent counseling and training may include:

- (1) Assisting parents in understanding the special needs of their child, and
- (2) Providing parents with information about child development.

Health and Nursing Services

Related health and nursing services are designed to assist those individuals with disabilities who have health problems. Qualified personnel will provide services. Services may include the following:

- (1) Managing the student's health problems on the schoolsite;
- (2) Consulting with staff members regarding management of the student's health problems;
- (3) Providing group and individual counseling with the students and parents regarding health problems; and
- (4) Making appropriate referrals and maintaining communication with health agencies providing care to students.

Specially Designed Vocational Education and Career Development

Personnel providing vocational education services shall be qualified. Specially designed vocational education and career development for students with disabilities regardless of severity of disability may include:

- (1) Providing prevocational programs and assessing work-related skills, interest aptitudes, and attitudes;
- (2) Coordinating and modifying the general education vocational education program;
- (3) Assisting students in developing attitudes, self-confidence, and vocational competencies to locate, secure, and retain employment in the community or sheltered environment, and to enable such individuals to become participating members of the community;
- (4) Establishing work training programs within the school and community;
- (5) Assisting in job placement;
- (6) Instructing job trainers and employers as to the unique needs of the students;
- (7) Maintaining regularly scheduled contact with all workstations and job- site trainers; and
- (8) Coordinating services with the Department of Rehabilitation, the Department of Employment Development and other agencies as designated in the IEP.

Recreation Services

Recreation services include but are not limited to the following:

- (1) Therapeutic recreation services which are those specialized instructional programs designed to assist students in becoming as independent as possible in leisure activities, and when possible and appropriate, facilitate the student's integration into regular recreation programs;
- (2) Recreation programs in schools and the community which are those programs that emphasize the use of leisure activity in the teaching of academic, social, and daily living skills; and, the provision of nonacademic and extracurricular leisure activities and the utilization of community recreation programs and facilities; and
- (3) Leisure education programs which are those specific programs designed to prepare the student for optimum independent participation in appropriate leisure activities, including teaching social skills necessary to engage in leisure activities, and developing awareness of personal and community leisure resources.

Specialized Services for Low Incidence Disabilities

Specialized services for low incidence disabilities may include:

- (1) Specially designed instruction related to the unique needs of students with low-incidence disabilities.
- (2) Specialized services related to the unique needs of students with low-incidence disabilities provided by qualified individuals such as interpreters, note-takers, readers, transcribers, and other individuals who provide specialized materials and equipment.
- (3) Services will be provided by appropriately credentialed teachers.

Services for Students with Chronic Illnesses or Acute Health Problems

Specialized physical health care services for students with chronic illnesses or acute health problems include but are not limited to:

- (1) Individual consultation;
- (2) Home or hospital instruction; and
- (3) Other instructional methods using advanced communication technology.

Services for Deaf and Hard of Hearing Students

Related services for deaf and hard of hearing students may include but need not be limited to:

- (1) Speech, speech reading and auditory training;
- (2) Instruction in oral, sign, and written language development;
- (3) Rehabilitative and educational services for hearing impaired individuals to include monitoring amplification, coordinating information for the annual review, and recommending additional services;
- (4) Adapting curricula, methods, media, and the environment to facilitate the learning process; and
- (5) Consultation to students, parents, teachers, and other school personnel as necessary to maximize the student's experience in the general education program.

A specially trained instructional aide, working with and under the direct supervision of the credentialed teacher of the deaf and hard-of-hearing, may assist in the implementation of the student's educational program.

Services will be provided by an individual holding an appropriate credential to provide services to the hearing impaired and who has training, experience and proficient communication skills for educating students with hearing impairments.

Individual and Small Group Instruction

Instruction delivered one-to-one or in a small group as specified in an IEP enabling the student(s) to participate effectively in the total school program.

Developing Goals

There must be a goal for every area of identified need. Objectives or benchmarks are required for students who participate in an alternate statewide assessment (CAA). Goals must contain the following components:

- (1) Baseline (related to goal)
- (2) Who (the child)
- (3) Does what (measurable behavior)
- (4) When (reporting date)
- (5) Given what (conditions)
- (6) How much (mastery criteria)
- (7) How measured (performance data or assessment)

IEP goals should be based on the academic content standards for the grade in which the student is enrolled.

Discussion of Options Considered

Prior to determining the actual special education and related services, the IEP team must discuss and document all options that were considered.

Supplementary Aids and Services

Supplementary aids and services means aids, services, and other supports that are provided in regular education classes or other education-related settings and in extracurricular and nonacademic settings, to enable individuals with exceptional needs to be educated with nondisabled children to the maximum extent appropriate in accordance with Section 1412(a)(5) of Title 20 of the United States Code and Sections 300.114 to 300.116, inclusive, of Title 34 of the Code of Federal Regulations.

Supplementary aids and services are often critical elements in supporting the education of students with disabilities in regular classes and their participation in a range of other school activities.

Supplementary aids and services can be accommodations and modifications to the curriculum under study or the manner in which that content is presented or a student's progress is measured. Supplementary aids and services can also include direct services and supports to the child, as well as support and training for staff who work with that child. That's why determining what supplementary aids and services are appropriate for a particular student must be done on an individual basis.

Determination of Special Education and Related Services

The IEP team determines the special education and related services that are needed to implement the goals for the student to receive educational benefit in the least restrictive environment. The special education and related services including ESY if needed must be documented to include frequency, duration and location.

Extended School Year (ESY)

Extended School Year Programming Guidelines

Pursuant to Section 300.309 of Title 34 of the Code of Federal Regulations, extended school year services (ESY) shall be included in the IEP and provided to the pupil if the IEP team determines, on an individual basis, the services are necessary for the provision of a free appropriate public education (FAPE).

The need for Extended School Year ("ESY") programming must be considered and documented annually on the IEP for every student receiving special education services. The need for ESY programming may be addressed at any IEP meeting. The IEP meeting addressing ESY should take place a reasonable time prior to the commencement of the extended break.

Determination of ESY Eligibility and Programming

ESY programming must be provided to eligible students at no additional cost to parents. The IEP team shall determine the need for ESY eligibility and programming considering the following factors:

Nature and severity of the disability The more severe the disability, the higher the probability that the student will need ESY services.

Current IEP goals and objectives If progress on meeting these goals has been very slow; the student may need ESY services to continue to make progress in support of FAPE.

Emerging skills and breakthrough opportunities If a student is just beginning to communicate or accomplish self-care skills a temporary break may cause a setback.

Interfering behaviors Behavior may have an impact of student's ability to make educational progress.

To prevent serious regression during an extended break The Worksheet for Determining Extended School Year Programming may be used along with the regression/recoupment data collection sheet. If the student has continued to progress educationally from year to year despite the lack of ESY programming, ESY may not be necessary to ensure FAPE. Additionally however, there does not need to be a pattern of regression previously but team needs to consider whether there is a likelihood of regression based on knowledge of student.

Rare and unusual circumstances ESY services are more likely to be necessary for students who have been absent for extended periods of time or for students moving from restrictive placements to inclusive programs If ESY programming is recommended, then the IEP team shall a) identify the specific goals that are to be addressed, and b) include the specific nature of the program and services on the IEP, including the, frequency, duration and location.

Definitions:***Regression/Recoupment***

All students experience some regression and loss over an extended break. In most instances these skills are re-mastered (recouped) within a reasonably short period of time. However, some special needs students have disabilities which are likely to continue indefinitely or for a prolonged period, and interruption of the student's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self sufficiency and independence that would otherwise be expected in view of his or her disabling condition. However, the lack of clear evidence of such factors may not be used to deny a student an ESY program if the team determines the need for ESY programming. Thus, when a student experiences more than minimal regression and he/she is not able to recoup skills within a short period of time the provision of a free appropriate public education means that instruction and/or related services must also be provided during an extended break.

Extended Break

Extended break means a period of time when school is not in session such as summer break, school holidays and when school is off-track or on intersession.

Extended School Year Programming

ESY services are special education and related services that are tailored to each student to help him or her meet specific goals in his/her IEP to support the delivery of FAPE for the individual student as appropriate.

What Extended School Year Is and Is Not**Extended School Year (ESY) is:**

- Based only on the individual student's specific critical skills that are critical to his/her overall education progress as determined by the IEP team;
- Designed to maintain student mastery of critical skills and objectives represented on the IEP and achieved during the regular school year;
- Designed to maintain a reasonable readiness to begin the next year;
- Focused on specific critical skills when regression, due to extended time off, may occur;
- Based on multi-criteria and not solely on regression;
- Considered as a strategy for minimizing the regression of skill in order to shorten the time required to gain the same level of skill proficiency that existed at the end of the school year.

CALIFORNIA CODE OF REGULATIONS (CCR 3043)

Legal References Regarding ESY Services

Section 3043. Extended School Year

Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such program and includes extended school year in the individualized education program pursuant to subsection (f):

- (A) Extended year special education and related services shall be provided by a school district, Special Education Local Plan Area, or county office offering programs during the regular academic year;
- (B) Individuals with exceptional needs who may require an extended school year are those who:
 - (1) Are placed in special classes or centers, or
 - (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the Individualized Education Program (IEP) team.
- (C) The term "extended year" as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of State funds.
- (D) An extended year program shall be provided for a minimum of 20 instructional days, including holidays. For reimbursement purposes:
 - (1) A maximum of 55 instructional days excluding holidays shall be allowed for individuals in special classes or centers for the severely handicapped, and
 - (2) A maximum of 30 instructional days including holidays shall be allowed for all other eligible pupils needing extended year.

- (E) A local governing board may increase the number of instructional days during the extended year period, but shall not claim revenue for average daily attendance generated beyond the maximum instructional days allowed in subsection (D)(1) and(2);
- (F) An extended year program, when needed, as determined by the IEP team, shall be included in the pupil's IEP;
- (G) In order to qualify for average daily attendance revenue for extended year pupils, all of the following conditions must be met:
 - (1) Extended year special education shall be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the individualized education program to meet a pupil's unique needs;
 - (2) The special education and related services offered during the extended year period are comparable in standards, scope and quality to the special education program offered during the regular academic year.
- (H) If during the regular academic year an individual's IEP specifies integration in the regular classroom, a public education agency is not required to meet that component of the individualized education program if no regular summer school programs are being offered by that agency
- (I) This section shall not apply to schools which are operating a continuous school program pursuant to Chapter 5 (commencing with Section 37600) of Part 22, Division 3, Title 2 of the Education Code.

Authority cited: Section 56100(a) and (j), Education Code. Reference: Sections 37600, 419765.5 and 56345; 34 C.F.R. 300.346

5.18 INDIVIDUALIZED EDUCATION PROGRAM: TRANSITIONS

Transition from Preschool to Elementary School

Prior to transitioning a child with disabilities from a preschool program to kindergarten, or first grade as the case may be, an appropriate reassessment of the child shall be conducted to determine if the child is still in need of special education and services.

As part of the transition process, a means of monitoring the continued success of the child who is determined to be eligible for less intensive special education programs.

As part of the exit process from special education, the present performance levels and learning style shall be noted by the IEP team. This information shall be made available to the assigned general education teacher upon the child's enrollment in Kindergarten or first grade as the case maybe.

Transition from Special Class or Center or from Non-Public, Nonsectarian School to the General Education Classroom in the Public School

When students transfer into the general education classroom from special classes or centers, or from nonpublic, nonsectarian school to the general education in the public school the IEP will include the following:

- (1) A description of activities provided to integrate the child into the general education program indicating the nature of each activity and the time spent on the activity each day or week; and
- (2) A description of the activities provided to support the transition of students from the special education program into the general education program.

Secondary Transition

Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter. The IEP for students 16 years or younger, if appropriate must contain:

- (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
- (2) The transition services (including course of study) needed to assist the child in reaching these goals.

5.19 EDUCATIONAL BENEFIT

Board of Education v. Rowley 1982 was decisive in defining the term *educational benefit*. The Supreme Court concluded that the IDEA does not require that LEAs maximize the potential of students with disabilities. The intent of the IDEA was more to open the door of public education to students with disabilities rather than guarantee any particular level of education once inside.

Components of Educational Benefit Analysis

Based on procedural requirements, including:

- (1) The assessment is complete and the child is assessed all areas of suspected disability
- (2) The IEP team identifies needs related to:
 - the child's disability
 - involvement and progress in the general curriculum
- (3) Goals are established in each need area
 - Objectives are developed for students taking CAPA
- (4) Services are planned to support:
 - Progress towards all goals
 - Progress in the general curriculum
 - Participation in the general education environment
 - Education with other students with disabilities and typically developing peers
- (5) The IEP team reviews the student's progress and adjusted the IEP if progress was not made or to address other needs.

Definition of FAPE

Free Appropriate Public Education (FAPE) means special education and related services that:

- (1) Are provided at public expense;
- (2) Meet the standards of the State;
- (3) Include pre-school, elementary or secondary school and education through the 22nd birthday if appropriate; and
- (4) Are provided in conformity with the IEP.

5.20 INTERIM PLACEMENTS

Transfers to District from District outside of the SELPA

If the child has an IEP and transfers into a district from district not operating programs under the same local plan in which he or she was last enrolled in a

special education program within the same academic year, the LEA shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parents, for a period not to exceed 30 days, by which time the LEA shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law.

Transfers from District to District within the Southwest SELPA

If the child has an IEP and transfers into a district from a district operating under the same special education local plan area of the district in which he or she was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the LEA agree to develop, adopt and implement a new IEP that is consistent with federal and state law. It is recommended that at least an IEP Amendment be done to reflect the change in location and provider.

Transfers from District to District from Outside of State

If the child has an IEP and transfers from an educational agency outside the state to a district within the state within the same academic year, the LEA shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parents, until the LEA conducts an assessment.

In order to facilitate the transition of an individual with exceptional needs, the new school in which the pupil enrolls shall take reasonable steps to promptly obtain the pupil's records.

Upon receipt of a request from an educational agency where an individual with exceptional needs has enrolled, a former educational agency shall send the pupil's special education records, or a copy thereof, to the new educational agency with five working days. (EC 56325)



SECTION 6

PARENTAL RIGHTS AND PROCEDURAL SAFEGUARDS

Section 6 Parental Rights and Procedural Safeguards

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Section 6 Parental Rights and Procedural Safeguards

6.1 INTRODUCTION

Students with disabilities and their parents are afforded rights and procedural safeguards to ensure that all individuals with disabilities are provided a free and appropriate public education (FAPE).

Parents can obtain assistance in understanding their rights and procedural safeguards from the Special Education Director of their child's district of attendance, the SELPA Administrator, or the California Department of Education (CDE).

The Notice of Procedural Safeguards

Parents shall be given a copy of their rights and procedural safeguards only one time a school year, except that a copy also shall be given to the parents:

1. The first time a student is referred for a special education assessment.
2. Each time an assessment plan is provided to parents.
3. Upon receipt of the first state complaint in a school year.
4. Upon receipt of the first due process hearing request in a school year.
5. When a decision is made to make a removal that constitutes a change of placement.
6. When parents request a copy.

(20 USC 1415(d); 34 CFR 300.504; EC 56301(d)(2); EC 56321; and EC 56341.1(g).)

6.2 OVERVIEW

Local Education Agencies (LEA) have an obligation to seek out children with disabilities between birth and age 21. A child with a disability is one who has been identified by an Individualized Education Program (IEP) Team as having one or more of the thirteen disabling conditions that are defined in federal regulation. Also, the child is one, who because of the disability, needs special education and related services to benefit from education and meets state eligibility criteria.

Children, with disabilities, are offered programs that provide for maximum interaction with typically developing peers in a manner that is appropriate to the needs of both.

6.3 PARENTAL RIGHTS AND PROCEDURAL SAFEGUARDS

The "Parental Rights and Procedural Safeguards for Special Education document is at the end of this section (Appendix A).

6.4 TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

When a student with a disability reaches age 18 (unless determined to be incompetent by appropriate authorities), the school district must provide any required notices of procedural safeguards to both the individual with disabilities and the parents. All other rights transfer to the child at the age of majority. (EC 56041.5).

The school district must notify the individual and the parents of this transfer at least one year prior to the student's 18th birthday. (EC 56043((g)(3); EC 56345(g).)

If a student with a disability has reached age 18 and has not been determined to be incompetent, but is determined not to have the ability to provide informed consent, the school district shall follow the state procedures for appointing an appropriate individual to represent the educational interests of the child. (34 CFR 300.520).

All rights of youth incarcerated in adult or juvenile federal, state, or local correctional institutions transfer to the child. (34 CFR 300.520).

6.5 PARENT REVOCATION OF CONSENT

Effective December 31, 2008, parents are now able to revoke consent for special education and related services and school districts will not be able to challenge the decision through mediation or due process. Also clarified as part of these regulatory changes: (1) If parents revoke consent for special education, the school district is not required to amend the child's educational records to delete all references to the child's prior receipt of special education services (34 C.F.R. 300.9(c)(3)); and (2) If parents revoke consent for special education, the school district will not be considered to be in violation of its obligation to provide FAPE to the child during the period of time when the parents refuse to consent to services (34 C.F.R. 300.300(b)(4)(iii)), and is not required to convene an IEP team meeting or develop an IEP for the child for further provision of services (34 C.F.R. 300.300(b)(4)(iv)).

U.S. Department of Education officials emphasize that when parents revoke consent for special education and related services, they must do so in writing, and although school officials cannot delay in ceasing to provide special education and related services to the child, they must provide the parent with prior written notice (and a copy of procedural safeguards) prior to stopping services.



Southwest SELPA

Special Education Local Plan Area

Parents' Rights and Procedural Safeguards

(Please keep this document for future reference.)

Dear Parent(s)/Guardian(s)/Pupil:

This notice is provided to you because your child is being considered for possible placement or is currently enrolled in a special education program. This notice is also provided for children who are entitled to these rights at age 18. If your child is being referred for special education and all options of the general education program have been considered, and where appropriate utilized, for your child, you have the right to initiate a referral for special education.

In California, special education is provided to children with disabilities between birth and twenty-one years of age. Federal and state laws protect you and your child throughout the procedures for evaluation and identification of special education placement and services. Parents of children with disabilities have the right to participate in the individual education program process, including development of the IEP, and be informed of the availability of a free appropriate public education and of all available alternative programs, including public and nonpublic programs.

You have the right to receive this notice in your primary/native language or other mode of communication (i.e., sign language or Braille), unless it is clearly not feasible to do so. These rights may also be translated orally to you if your primary/native language is not a written language. This notice will be given to you only one time a year, or upon: (1) your request; (2) the initial referral of your child for a special education evaluation; (3) reevaluation of your child; (4) removal of your child for violating a school code of conduct that constitutes a change in placement; (5) filing of a state complaint; and (6) receipt of a request for a due process hearing. If available, a copy of these procedural safeguards may also be accessible on your district's website and may be sent to you, upon your request, by electronic mail. Please check with your local school district to determine if this option is available.

The definitions below will help you understand the statement of rights. Should you need further information regarding the contents or use of this guide, you may contact your school district of residence Special Education Director, whose telephone number is on the last page of this document.

Definitions

Children with Disabilities: The Individuals with Disabilities Education Act ("IDEA") defines "children with disabilities" as including children with intellectual disabilities, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities, and who by reason thereof, need special education and related services.

Consent: Consent means that: (1) parents have been given all information, in their native language or other mode of communication, that is relevant to any activity for which their consent is sought; (2) parents understand and agree in writing to that activity, and the consent form they sign contains a description of the activity and a list of records that will be released and to whom the records will be released in order to initiate or implement the activity; and (3) parents understand that their consent is voluntary and may be revoked at any time; however, their withdrawal of consent does not negate an action that has already occurred.

Evaluation: An assessment of your child using various tests and measures per Education Code sections 56320-56339 and 20 U.S.C. section 1414(a), (b) and (c) to determine whether your child has a disability and the nature and extent of special and related services needed by your child for his/her educational benefit. The assessment tools are individually selected for your child and are administered by competent professionals employed by the local education agency. Testing and evaluation materials and procedures will be selected and administered so as not to be racially, culturally, or sexually discriminatory. The materials or procedures will be provided and administered in your child's native language or mode of communication, unless it clearly is not feasible to do so. No single procedure shall be the sole criterion for determining an appropriate educational program for a child.

Free Appropriate Public Education ("FAPE"): An education that: (1) is provided at public expense, under public supervision and direction, and without charge to you; (2) meets the standards of the California Department of Education; and (3) is provided in conformity with a written individualized education program developed for your child to confer an educational benefit and to be implemented in a preschool, elementary or secondary school program.

Individual Education Program ("IEP"): A written document developed by your child's IEP team that includes at least all of the following: (1) present levels of academic achievement and functional performance; (2) measurable annual goals; (3) a statement of the special educational and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child; (4) an explanation of the extent to which the child will not participate with non-disabled children in the general education programs; (5) the projected date for initiation and the anticipated duration, frequency and location of the programs and services included in the IEP; and (6) appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the child is achieving his or her goals.

Least Restrictive Environment ("LRE"): To the maximum extent appropriate, children with disabilities will be educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the general education program will occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Local Educational Agency ("LEA"): This term includes a school district, County Office of Education ("COE"), a Special Education Local Plan Area ("SELPA"), or a charter school participating as a member of a SELPA.

Notification of Majority Rights: Your child has the right to receive all information about his/her educational program and to make all decisions when he/she reaches the age of eighteen unless determined incompetent by state law and procedures. Non-conserved adults are presumed under the laws of the State of California to be competent.

Parent: The definition of parent includes: (1) person having legal custody of a child; (2) an adult student for whom no guardian or conservator has been appointed; (3) a person acting in place of a natural or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives; (4) a parent surrogate; and (5) a foster parent, if the authority of a natural parent to make education decisions on the child's behalf has been specifically limited by court order.

When may I access Educational Records, and how do I do so?

All parents or guardians of children enrolled in California public schools have the right to inspect records under the Family Educational Rights and Privacy Act ("FERPA") and the California Education Code.

Educational records are those records that are directly related to your child and maintained by a school district, agency, or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained. Both federal and state laws further define an educational record as any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school LEA, or required to be maintained by an employee in the performance of his duties whether recorded by handwriting, print, tapes, film, microfilm, and computer or by other means. Educational records do not include informal personal notes prepared and kept by a school employee for his/her own use or the use of a substitute. If records contain information about more than one child, you have access only to that portion of the record pertaining to your child.

Personally identifiable information may include: (1) the name of the child, the child's parent or other family member; (2) the address of the child; (3) a personal identifier such as the child's social security number, student number, or court file number; (4) a list of personal characteristics or other information that would make it possible to identify the child with a reasonable certainty.

Additionally, parents of a child with disabilities have the right to: (1) inspect and review all educational records regarding the identification, evaluation, and educational placement of the child and the provision of a FAPE to the child; and (2) receive a response from the LEA to reasonable requests for explanations and interpretations of the records. A parent also has the right to have his or her representative inspect and review the child's records, subject to the requirements of FERPA. The LEA may presume that a parent has authority to inspect and review records relating to his or her child unless the LEA has been advised that the parent does not have the authority to do so under applicable state laws governing such matters as guardianship, separation, and divorce. These rights transfer to a non-conserved pupil who is eighteen years old or attending an institution of post-secondary education.

The custodian of records at each school site is the principal of the school. The custodian of records for each school district located in the SW SELPA is listed on the last page of this document. Educational records may be kept at the school site or the district office, but a written request for records at either site will be treated as a request for records from all sites. The custodian of records will provide you with a list of the types and locations of pupil records (if requested). Three years after a student exits a program, the special education records will be destroyed.

Each LEA must protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages. One official at each LEA must assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must receive training or instructing regarding the state's policies and procedures under the IDEA and FERPA. Each LEA must maintain, for public inspecting, a current listing of the names and positions of those employees who may have access to personally identifiable information.

Your LEA must inform you when personally identifiable information collected, maintained or used under the IDEA is no longer needed to provide educational services to your child. Upon receiving notice that the records are no longer necessary to the LEA, you may request destruction of the records, which will take place either by physical destruction or by removing personal identifiers from the records so that the information is no longer personally identifiable. However, the LEA is obligated to keep a permanent record for each child, which includes: (1) the child's name, address, and phone number; and (2) the child's grades, attendance records, classes attended, grade level completed, and year completed.

The custodian of the records will limit access to your child's educational records to those persons authorized to review the educational record, including you, your child who is at least sixteen years old or who has completed the 10th grade, individuals who have been authorized by you to inspect the records,

school employees who have a legitimate educational interest in the records, post-secondary institutions designated by your child, and employees of federal, state, and local education agencies. In all other instances, access will be denied unless you have provided written consent to release the records or the records are released pursuant to a court order or other applicable law. The LEA must keep a log indicating the time, name and purpose for access by individuals other than school district employees and parents.

Parent consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of the IDEA, except under the following circumstances: (1) before identifiable information is released to officials of participating agencies providing or paying for transition services; and (2) if the child is in, or is going to go to, a private school that is not located in the same school district in which parents reside, parent consent must be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district in which parents reside.

A review and/or copies of educational records will be provided to you without unnecessary delay and before any meeting regarding an IEP, due process hearing, or resolution session, and in no case more than five (5) business days after a request is made. A fee for copies, but not the cost to search and retrieve, is determined by LEA policy and will be charged, unless charging the fee would effectively deny you access to your child's educational records. Once a complete copy of the records has been provided, a fee will be charged for additional copies of the same records.

If you believe that information in the education records collected, maintained or used by the LEA is inaccurate, misleading or violates the privacy or other rights of the child, you may request in writing that the LEA amend the information. If the LEA agrees with your request, the record will be amended and you will be informed within a reasonable time after receipt of the request.

Should the LEA refuse to make the amendment requested within 30 days, the LEA will notify you of the right to a hearing to determine whether the challenged information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child. If you request a hearing, the LEA will provide a hearing, within a reasonable time, which must be conducted according to the procedures for such hearings under FERPA.

If it is decided by the governing board after the hearing that the record will not be amended, you have a right to provide what you believe is a corrective written statement, which will be permanently attached to the contested record. This statement will be attached if the contested record is disclosed to any party.

The parents, guardian or LEA has the right to audio record the proceedings of the IEP team meetings. The IEP team must be notified of the desire to record the IEP at least 24 hour prior to the meeting. If the intent to audio record the meeting is initiated by the LEA, and the parent objects or refuses to attend the IEP meeting because of the audio record, the meeting shall not be audio recorded. Parents have the right to inspect, review and, at times, amend the audio recordings.

What is, and how may I obtain an Independent Educational Evaluation?

An independent educational evaluation ("IEE") is an assessment conducted by a qualified examiner who is not employed by the LEA providing an education to your child, but satisfies the same requirements of the California Department of Education ("CDE") and the LEA. If you disagree with the results of a recent assessment conducted by LEA, and make that disagreement known to the LEA, you have the right to request and possibly obtain an IEE for your child at public expense from a qualified person. Public

expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you. If an IEE is at public expense, the criteria under which it is obtained, including the location of the evaluation and qualifications of the examiner, must be the same as the criteria that the LEA uses when it initiates an assessment. Your LEA has information available for you about where such an IEE may be obtained and what the LEA's criteria for IEEs, which must be provided to you upon request for an IEE. You may be entitled to only one IEE at public expense each time the LEA conducts an assessment with which you disagree.

The assessment tools used by an independent educational evaluator must be individually selected for your child and must be administered by competent professionals. Testing and evaluation materials and procedures must be selected and administered so as not to be racially, culturally, or sexually discriminatory. The materials or procedures must be provided and administered in your child's native language or mode of communication, unless it clearly is not feasible to do so. No single procedure shall be the sole criterion for determining an appropriate educational program for a child.

If you request an IEE at public expense, the LEA must either: (1) file a complaint for due process against you to prove that its assessment is appropriate; or (2) ensure that the IEE is provided to you at public expense, unless the LEA demonstrates in a due process hearing that the IEE obtained by you did not meet the LEA's criteria. If the LEA proves at a due process hearing that its assessment is appropriate, you still have the right to an IEE, but not at public expense.

If you obtain an assessment at private expense and provide a copy of it to the LEA, the results of the assessment must be considered by the IEP team with respect to the provision of a FAPE to your child. The privately funded assessment may also be introduced at a due process hearing regarding your child.

If the LEA observed your child in conducting its assessment, or if the LEA's assessment procedures allow in-class observations of students, an individual conducting an IEE must also be allowed to observe your child in the classroom, or observe an educational setting proposed by the IEP team.

If you propose a publicly-financed placement of your child in a nonpublic school, the LEA will have an opportunity to observe the proposed placement and the pupil in the proposed placement, if the pupil has already been unilaterally placed in the non-public school by the parent or guardian.

What is prior written notice and when will I receive it?

An LEA is responsible for informing you, in writing, whenever it proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child or the provision of a free appropriate public education to the child. The LEA must provide written notice to parents of this proposal or refusal within a reasonable time. This notice, if not previously provided to the parent, will also be provided upon the LEA's receipt of a parent's request for a due process hearing. The notice must be written in understandable language and be provided in your native language or other mode of communication, unless it is clearly not feasible to do so. If your native language or mode of communication is not a written language, the LEA must ensure that the notice is translated orally or by other means, that you understand the notice, and that there is written evidence that these requirements have been met. You may elect to receive this notice by electronic mail communication, if your LEA makes that option available.

The written notice will include:

- A description of the actions proposed or refused by the LEA with an explanation of why the agency proposed or refused to take the action and a description of other actions considered and why those options were rejected.

- A description of each assessment procedure, test, record, or report the LEA used as a basis for the proposal or refusal.
- A description of other options considered by the IEP team and the reason why those options were rejected.
- A description of any other factors, which are relevant to the LEA's proposal or refusal.
- Notice that parents can obtain copies or assistance in understanding their rights and procedural safeguards from the Special Education Director of their child's district of residence, the SELPA Director, or the CDE in Sacramento.

What constitutes parental consent and when is it required?

The LEA must get informed parental consent, as described above, before assessing and/or providing special education and related services to your child. The LEA must make reasonable efforts to obtain a parent's informed consent before an initial assessment or reassessment of a child. If you refuse to consent to an initial assessment or a reassessment, the LEA may, but is not required to, use due process procedures to obtain your consent for the assessment. The LEA must also make reasonable efforts to obtain parent consent before the initial provision of special education and related services to your child. If you refuse to consent to, or fail to respond to a request for, the **initial** IEP placement and services, the LEA may not use the due process procedures described below to challenge your refusal to consent. However, when the LEA requests consent to the initial placement and services, and you do not provide it, the LEA will not be considered to be in violation of the requirement to make available a FAPE to your child. The LEA will also not be required to convene an IEP team meeting or develop an IEP when such consent is not provided after the LEA's request.

Parental consent is not required before reviewing existing data as part of an assessment, or administering a test or other assessment that is administered to all children (unless consent is required of parents of all children before that test or assessment).

If your child is home schooled or placed in private school at your own expense, and you do not provide consent to, or fail to respond to a request to provide consent to an initial assessment or reassessment, the LEA may not use due process procedures to override your consent. In that case, the LEA is not required to consider the child as eligible for services.

You may consent in writing to the receipt of some components of your child's IEP, and those components of the IEP must be implemented by the LEA. If the LEA determines that the remaining component(s) of your child's IEP to which you do not consent is/are necessary to provide a FAPE to the child, the LEA must initiate a due process hearing.

Finally, your informed consent need not be obtained in the case of a reassessment of your child, if the LEA can demonstrate through a due process hearing that it has taken reasonable measures to obtain your consent and you have failed to respond.

Am I allowed to change my mind later and revoke consent?

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the school district or charter school:

- May not continue to provide special education and related services to the child, but must provide

prior written notice before ceasing the provision of special education and related services;

- May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;
- Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
- Is not required to convene and IEP Team meeting or develop an IEP for the child for further provision of special education and related services.

If the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the school district or charter school is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent. This provision applies when a parent refuses all special education services. If a parent disagrees with some services but not all, the issues need to be resolved through the due process procedures.

If I have a complaint about my child's educational program, how do I raise it?

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or SELPA may answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication.

If the LEA is not able to resolve your concerns through informal means, you may file a compliance complaint with either the LEA, or the CDE.

If your concern is related to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, the provision of a FAPE to the child, or a dispute over the availability of an appropriate program for your child, you may file a due process hearing complaint (described below). The LEA also has the right to file a due process hearing complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, the provision of a FAPE to your child, or a dispute over the availability of an appropriate program for your child except as described in the section above.

What is a compliance complaint and what are my rights related to a compliance complaint?

Compliance complaints allege a violation of the law under the IDEA or California special education law. The complaint must: (1) be in writing; (2) contain a statement that the LEA has violated a law or regulation under the IDEA or California Education Code counterparts; (3) contain the facts which support the allegation; (4) contain a signature and contact information of the complainant; and (5) if alleging a violation against a single child, must contain: (a) the name and address of the child (or available contact information for a homeless child); (b) the name of the school the child is attending; (c) a description of the nature of the problem and facts relating to the problem; and (d) a proposed resolution to the extent known.

District/LEA Level Compliance Complaint: The Southwest SELPA encourages you to file your complaint regarding special education issues directly with your LEA in order for the LEA to quickly address your concerns in an informal and efficient manner. The LEA has established confidential procedures for the filing of these complaints and will meet with you to investigate your complaint in a timely manner and attempt to resolve any concerns. The Compliance Officer will assist you in resolving any complaint of

discrimination against the district, its employees or contractors, and students. The Compliance Officer is also able to assist you in preparing your complaint in writing and to provide the information required by law. The Compliance Officer will refer you to other agencies responsible for the investigation and resolution of complaints when appropriate.

What is mediation and when can I request it?

Parties are encouraged to seek resolution of special education disputes through less adversarial processes such as mediation or alternative dispute resolution ("ADR") prior to filing for a due process hearing. While you are urged to try mediation, this may not be used to delay your right to a due process hearing.

These voluntary prehearing mediation conferences are to be conducted in a non-adversarial atmosphere to resolve issues relating to the identification, assessment, or educational placement of the child, or the provision of a FAPE to the child, to the satisfaction of both parties. Therefore, attorneys or other independent contractors used to provide legal advocacy services may not attend or otherwise participate in the prehearing mediation conferences. This does not prevent either party from consulting an attorney either prior to or following the mediation process nor does this bar a parent of the child in question from participating if the parent is an attorney. The parties may be accompanied and advised by non-attorney representatives at their discretion.

This mediation conference will be scheduled within 15 days and completed within 30 days of the CDE's receipt of your request for mediation, unless both parties agree to an extension. The mediation will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

If you and the LEA resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that: (1) states that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and (2) is signed by both you and a representative who has the authority to bind the LEA.

A written, signed mediation agreement is enforceable in any state court of competent jurisdiction (a court that has the authority under state law to hear this type of case) or in a District Court of the United States. Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any federal or state court.

What is a due process hearing and what are my rights related to it?

A due process hearing is a formal proceeding presided over by an administrative law judge, which is similar to a court action. The hearing can be initiated by you or the LEA when there is a disagreement over a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, the provision of a FAPE to your child, or a dispute over the availability of an appropriate program for your child. Requests should be sent to: **Office of Administrative Hearings ("OAH"), at the following address: Office of Administrative Hearings, Attn: Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833-4231. Phone (916) 263-0880; FAX (916) 263-0890.**

The request for a due process hearing must be filed within **two** years from the date you knew or had reason to know of the facts that were the basis for the hearing request. This timeline does not apply to you if you were prevented from requesting a due process hearing earlier because the LEA: (1) misrepresented that it had resolved the problem which is the basis of your request; or (2) withheld information from you relating to the information contained in this notice. The LEA must inform you of any free or low-cost legal or other relevant services available in the area if you request that information, or if either you or the LEA files a due process complaint.

Your due process hearing complaint **must** include the following information: (1) your child's name; (2) your child's address (or, in the case of a homeless child, the available contact information); (3) the name of the school your child attends; (4) a description of the problem relating to the proposed initiation or change, including specific facts about the problem; and (5) proposed resolution to the problem to the extent it is known to you. You must provide the LEA with a copy of your request for due process. You (or the LEA) may not have a due process hearing until a due process hearing complaint that contains all of the information outlined above is filed.

The complaint will be deemed sufficient to meet the above requirements unless, within fifteen days of the date that the party who received the complaint notifies the hearing officer and the other party that it believes the complaint does not meet the requirements listed above. Within five days of receiving notice that the receiving party believes the complaint is insufficient, OAH must decide if the due process complaint meets the requirements listed above and they will notify you and the LEA in writing if it is insufficient. If OAH determines that a due process complaint is insufficient, the party may have the opportunity to file a new complaint that meets the requirements listed above.

If you file a request for a due process hearing, within 10 days of receiving the complaint, the LEA must send you a response that specifically addresses the issues raised in your complaint. Within 15 days of receiving your request for due process, the LEA must convene a meeting with you, the relevant member(s) of your child's IEP team who have specific knowledge of the facts identified in the due process hearing request, and a LEA representative who has decision-making authority, to discuss a resolution to the issues raised. The meeting will not include the LEA's attorney, unless you are accompanied by an attorney.

Except where you and the LEA have both agreed, in writing, to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting. If the LEA fails to hold the resolution meeting within 15 days of receiving notice of your complaint or fails to participate in the resolution meeting, you may seek the intervention of a hearing officer to begin the due process hearing timeline described below.

If an agreement is reached at the resolution session, the agreement must be memorialized in writing and signed by both you and the LEA representative. After signing, both you and the LEA have 3 business days to void the agreement. If the LEA has not resolved the due process complaint to your satisfaction within 30 days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur, and the applicable timeline for issuing a final decision begins. If the LEA is unable to obtain your participation in the resolution meeting after reasonable efforts have been made and documented, the LEA may, at the conclusion of the 30-day period, request that the hearing officer dismiss your complaint.

You and the LEA may agree, at any time prior to or during the due process hearing, to participate in a mediation of the dispute. An impartial mediator will be appointed by OAH at no cost to either party. Mediation extends OAH's timeline to render its decision; however, mediation is not intended to deny or delay your right to a hearing, or any other rights.

If the issues which gave rise to the request for due process are not resolved by the resolution session or mediation, OAH must hold a hearing, reach a final decision on the issues in the case, and send a copy of the decision to the parties within 45 days of the expiration of the 30-day resolution period. The 45-day timeline for the decision may also start the day after one of the following events: (1) both parties agree in writing to waive the resolution meeting; (2) after either the mediation or resolution meeting starts, but before the end of the 30-day period, the parties agree in writing that no agreement is possible; or (3) if both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or LEA withdraws from the mediation process.

The hearing must be held at a time and place that is reasonably convenient to the parties. The party requesting the hearing may not raise issues at the hearing that were not addressed in the due process complaint, unless the other party agrees.

Any party to a due process hearing has the right to: (1) a fair and impartial administrative hearing before a person knowledgeable in laws governing special education and administrative hearings; (2) be represented by an attorney or an individual with knowledge and training related to the problems of children and youth with disabilities; (3) present evidence, written arguments, and oral arguments; (4) confront, cross-examine, and require witnesses to be present; (5) obtain a written or at your option, electronic verbatim record of the hearing; (6) obtain written or at your option, electronic findings of fact and decisions, within 45 days after the expiration of the resolution session time period; (7) receive notice from the other party, at least ten days prior to the hearing, that it intends to be represented by an attorney; (8) be informed by the other party, at least ten days prior to the hearing, of their issues and their proposed resolutions; (9) receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony at least five business days before the hearing; and (10) prohibit the introduction of any evidence, including assessments and recommendations based on the assessment(s), at the hearing that has not been disclosed to that party at least five business days before the hearing; (11) have an interpreter provided; and (12) request an extension of the hearing timeline for good cause.

Parents involved in hearings must be given the right to: (1) have his/her child present at the hearing; (2) have the hearing open to the public; and (3) have the record of the hearing and findings of fact and decisions provided at no cost.

What if the due process complaint raises a procedural violation of the IDEA?

A hearing officer's decision on whether your child received a FAPE must be based on evidence and arguments that directly relate to FAPE.

In matters alleging a procedural violation (such as "an incomplete IEP Team"), a hearing officer may find that your child did not receive FAPE only if the procedural violations:

1. Interfered with your child's right to a FAPE;
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a FAPE to your child; or
3. Caused your child to be deprived of an educational benefit.

The provisions described above do not prevent a hearing officer from ordering a school district to comply with the requirements in the procedural requirements of the IDEA, or preclude you from filing another due process complaint on an issue separate from a due process complaint already filed.

What if I disagree with the results of a due process hearing?

The hearing decision is final and binding on both parties. Either party may appeal the decision by filing an appeal in the appropriate court. In a civil action, the records and transcription of the administrative proceedings will be filed with the court. The court may hear additional evidence at the request of either party and must base its decision on the preponderance of the evidence. This appeal must be made within ninety (90) days after the date of the decision of the Administrative Law Judge.

Where will my child be placed during the pendency of a due process hearing?

Once a request for due process is received by the LEA, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, the child must remain in his or her current educational placement, unless the parent and the LEA agree otherwise.

If your request for due process involves an application for initial admission to public school, your child, with your consent, must be placed in the general public school program until the completion of all such proceedings.

If your request for due process involves an application for initial services for a child who received services pursuant to an individual family services plan ("IFSP"), and has turned three, the LEA is not required to provide the IFSP services that your child had been receiving. If your child is found eligible for special education services from the LEA, and you consent for your child to receive special education services for the first time, then, pending the outcome of the due process proceedings, the LEA must provide those special education and related services that are not in dispute (those which you and the LEA both agree upon).

If your child has been placed in an interim alternative educational setting ("IAES"), he or she will remain in the IAES for a maximum of 45 school days pending the due process hearing, or until the expiration of the time period for the IAES, whichever occurs first.

Under what circumstances could my attorneys' fees be reimbursed to me?

A court, in its discretion, may order that a LEA pay reasonable attorneys' fees to the parent of a child with disabilities if the parent prevails at a due process hearing. Additionally, the LEA may be awarded attorneys' fees against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation. The LEA may also be entitled to attorneys' fees against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purposes, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

A court may reduce the amount of attorneys' fees if: (1) the parent has unreasonably delayed the proceedings; (2) the fees unreasonably exceed the prevailing hourly rate in the community; (3) the time spent and legal services were excessive; (4) or the parent's attorney did not provide the LEA with an appropriate due process complaint. However, the court may not reduce fees if the court finds that the LEA unreasonably delayed the final resolution of the action or proceeding, or there was a violation under the procedural safeguards provisions of the IDEA.

A parent may not obtain additional attorneys' fees or costs incurred after the rejection or failure to respond within 10 days to an offer of settlement that is made by the LEA, at any time more than 10 days before the hearing or court action, if the hearing officer or court finds that the relief finally obtained by the parents is not more favorable to the parents than the LEA's offer of settlement. Despite these restrictions, an award of attorneys' fees and related costs may be made to a parent if you prevail and the court determines you were substantially justified in rejecting the settlement offer.

Attorneys' fees may not be awarded to an attorney for attendance at an IEP team meeting unless the meeting has been convened as a result of an administrative proceeding, or a judicial action. A resolution meeting is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of the attorneys' fees provisions.

What are my child's rights when the LEA is contemplating disciplining him/her?

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability. School personnel may remove a child with a disability who violates a code of student conduct from his or her placement to an appropriate interim alternative educational setting (IAES), another setting, or suspension, for up to 10 consecutive school days (to the extent those alternatives are applied to children without disabilities) and for additional removals of not more than 10 consecutive school days in one school year for separate incidents of misconduct, so long as those removals do not constitute a change in placement.

A "change in placement" occurs if: the removal is for more than 10 consecutive school days, or the child has been subjected to a series of removals that constitute a pattern because : (1) the series of removals total more than 10 school days in a school year; (2) the child's behavior is substantially similar to the child's behavior in previous incidents resulting in the series of removals; and (3) additional factors such as the length of each removal, total amount of time the child is removed, and the proximity of the removals to one another. The LEA determines on a case-by-case basis whether a pattern of removals is a change in placement.

If a child with disabilities is removed from his/her placement due to a violation of the code of student conduct for a period in excess of 10 consecutive school days, or 10 cumulative days when such

suspensions constitute a change in placement, the LEA must hold an IEP team meeting to determine whether the behavior subject to discipline was a manifestation of your child's disability. This meeting will be held within 10 school days of the decision to change the child's placement. The IEP team will determine whether the conduct in question was: (1) caused by, or had a direct and substantial relationship to your child's disability; or (2) the direct result of the LEA's failure to implement the child's IEP.

If the LEA, parent, and relevant members of the IEP team determine that the conduct was a manifestation of the child's disability, the IEP team must either: (1) conduct a functional behavioral assessment, unless one had been conducted prior to the child's behavior that resulted in a change of placement, and implement a behavior intervention plan; or (2) review any existing behavioral intervention plan and modify it as necessary. In addition to one of the above options, the IEP team must also return the child to the placement from which he or she was removed, unless the parent and LEA agree otherwise in modifying the behavior intervention plan.

If the team determines that the conduct was not a manifestation of the child's disability, the school personnel may apply the disciplinary procedures in the same manner and for the same duration as the procedures would be applied to children without disabilities. A child with a disability must continue to receive educational services, so as to enable him or her to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his or her IEP goals. The child's IEP team will determine the appropriate services and setting for those services. As appropriate, the child must also receive a functional behavioral assessment and behavior intervention services and modifications designed to ensure the behavior violation does not recur.

Parents have the right to appeal a decision to suspend or expel special education students or the decision of whether the child's conduct was a manifestation of his or her disability, by filing a due process complaint. When an appeal has been requested by either the parent or the LEA relating to the disciplinary placement of a child or the results of the manifestation determination meeting, the state shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing. Your child is entitled to a stay put placement during appeals; however, if your child is placed in an IAES for 45 school days, placement will remain in that setting pending the decision by the hearing officer or until the expiration of the time period of the suspension, whichever occurs first.

If an evaluation of the child is requested when disciplinary action is pending, the evaluation shall be conducted in an expedited manner. Pending such an evaluation, the child shall remain in an educational setting determined by school authorities.

A child who has not previously been determined to be eligible for special education and related services may assert any of the protections provided under the IDEA if the LEA had knowledge that the child was a child with a disability before the occurrence of the behavior that caused disciplinary action. Knowledge shall be deemed if: (1) the parent expressed in writing to supervisory or administrative personnel of the school district, or the teacher of the child, that the child was in need of special education and related services; (2) the parent had requested an evaluation of the child; or (3) school personnel had expressed to the Special Education Director of the LEA or to other supervisory personnel specific concerns about a pattern of behavior demonstrated by the child. The LEA is not deemed to have knowledge if the parent has not allowed an evaluation of the child or has refused special education services or the child has been evaluated and it was determined that the child was not eligible for services. If the LEA did not have knowledge of the disability, the child will not receive the due process protections of the IDEA.

School officials are not prohibited by special education laws from reporting a crime committed by your child to appropriate authorities. An LEA reporting a crime committed by a child with a disability must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the appropriate authorities, but only to the extent permitted by FERPA.

What are the procedures when my child is subject to placement in an interim alternative educational setting?

Under special circumstances, regardless of whether the child's behavior was a manifestation of his or her disability, school personnel may remove a student to an IAES for a period not to exceed 45 school days when a child has committed one of the following offenses at school, on school premises or at a school function under the jurisdiction of a state or LEA: (1) carried or possesses a weapon; (2) knowingly possessed or used illegal drugs, or sold or solicited the sale of controlled substances; (3) inflicted serious bodily injury upon another person. If the LEA has not already done so, after placing the child in a forty-five school day IAES, the LEA shall conduct a functional behavioral assessment and implement a behavioral intervention plan (if one has not already been implemented). If such a plan is already in place, the IEP team shall consider its modification. The IAES shall be affirmed by the IEP team if it will enable the child to continue to participate in the general curriculum and to receive those services and modifications, including those described in the child's current IEP, to meet the goals set out in the IEP and provide the modifications to address the offending behavior.

Under federal law, a hearing officer may return a child with a disability to the placement from which the child was removed. The hearing officer may also order a change of placement to an appropriate IAES for not more than 45 school days, if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

What are the State Special Schools?

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf and from ages five through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of Education Web site at <http://www.cde.ca.gov/sp/ss/>, ask for more information from the members of your child's IEP team or contact the SELPA Office.

What are the rules relating to my decision to unilaterally place my child in a private school?

The IDEA does not require an LEA to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the LEA made a FAPE available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the IDEA provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

The reimbursement to a parent for placement of a child in a private school or agency may be ordered by a hearing officer or court when it is determined that the LEA did not provide a FAPE to the child in a timely manner prior to the enrollment and that the private placement is appropriate. Reimbursement may be reduced if, at the most recent IEP team meeting prior to removing the child from public school, the parent failed to inform the LEA that they were rejecting the proposed placement and of their intent

to place their child in a private school at public expense, or if the parent failed to provide that information in writing to the LEA at least 10 business days prior to the removal of the child from public school. Reimbursement may also be reduced if, prior to the removal of the child from public school, the LEA informed the parent of its intent to evaluate the child, and parent refused to permit or did not make the child available for the evaluation. Reimbursement may also be reduced if a court finds that your actions were unreasonable.

Reimbursement cannot be reduced if the LEA prevented the parent from giving notice; the parent had not received notice of the requirements to provide notice to the LEA as described above; or if compliance with the notice requirement would likely result in the physical harm to the child. The cost of reimbursement may or may not be reduced, at the discretion of the court or hearing officer, if the parent is not literate or cannot write in English, or compliance with the notice requirement would likely result in serious emotional harm to the child.

Under what circumstances will a surrogate parent be appointed for a child?

In order to protect the rights of a child, within 30 days of the LEA's determination that a child is in need of a surrogate parent, the LEA will appoint a surrogate parent for a child if:

1. The child has been made a dependent or ward of the court, the court has specifically limited the right of the parent or guardian to make educational decisions for the child, **and** the child has no responsible parent or guardian to represent him or her; or
2. The child is not a ward or dependent of the court **and** no parent or guardian can be located, **or** there is no caretaker of the child **or** the child is an unaccompanied homeless youth.

In determining who will act as a surrogate for a child, the LEA will consider a relative caretaker, foster parent, or court appointed special advocate, if any of the individuals exist, otherwise it will appoint a person of its choice.

The surrogate parent will be an individual with knowledge and skills to adequately represent the child. The surrogate must meet the child at least once and, unless such a person is unavailable, should be culturally sensitive to the child. The surrogate parent shall represent the child in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in all other matters relating to the provision of a FAPE to the child, including the provision of written consent to the IEP for non-emergency medical services, mental health treatment services and occupational or physical therapy services.

Persons with a conflict of interest in representing the child shall not be appointed as a surrogate parent. Conflicts exist if the surrogate parent is an employee of the LEA involved in the education or care of the child, or a foster care provider who derives his/her primary source of income from the care of this child or other children. When no such conflict exists, foster care providers, retired teachers, social workers, and probation officers may all serve as surrogates. In the case of an unaccompanied homeless youth, staff from emergency and transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogates without regard to the conflicts described above, only until such time as another surrogate parent who meets the requirements described above can be found.

Alternatively, the surrogate parent can be appointed by the judge overseeing the child's care (as opposed to the LEA) provided that the surrogate parent meets the requirements described above.

Why am I asked to provide consent to bill California Medi-Cal and release or exchange information for health-related special education and related services?

Through the Medi-Cal Local Educational Agency (LEA) Billing Option, this LEA may submit claims to California Medi-Cal for covered services provided to Medi-Cal-eligible children enrolled in special education programs. The Medi-Cal LEA program is a way for school districts and/or Counties Education Offices (COEs) to receive federal funds to help pay for health-related special education and related services, but only if you choose to provide your written consent.

The information below describes certain rights and protections available to you under IDEA. This notification must be provided to you before an LEA may ask you to provide your consent to access your child's Medi-Cal benefits for the first time, and on an annual basis thereafter.

You need to know that:

- You may refuse to sign the section of the IEP regarding Medi-Cal consent.
- Information about your child and family is strictly confidential.
- Your rights are preserved under Title 34 Code of Federal Regulations 300.154; Family Education Rights Privacy Act of 1974, Title 20 of the United States Code, Section 1232(g), Title 34 Code of Federal Regulations, Section 99.
- This consent is good for one year unless you withdraw your consent before that time. It can be renewed annually at the IEP meeting.

Your consent is voluntary and can be revoked at any time. If you do revoke consent, the revocation is not retroactive (i.e., it does not negate any billing that occurred after consent was given and before it was revoked).

Your consent must specify the personally identifiable information (for example, records or information about the services that may be provided to your child), the purpose of the disclosure (for example, billing for special education and related services), and the agency to which your LEA may disclose the information (for example, Medi-Cal). Your consent must also include a statement specifying that you understand and agree that your child's LEA may use your or your child's public benefits or insurance, for example, Medi-Cal, to pay for special education and related services under the IDEA. The LEA will obtain this consent by obtaining your signature on the Medi-Cal billing statement section of the IEP.

Your consent **will not** result in denial or limitation of community-based services provided outside the school. If you refuse to consent for the LEA to access California Medi-Cal to pay for health-related special education and/or related services, the LEA still must ensure that all required special education and related services are provided at no cost to you.

Furthermore, as a public agency, an LEA may access parents' public benefits or insurance to pay for related services required under Part B of the IDEA, for a FAPE. For related services required to provide FAPE to an eligible student, the LEA:

- **May not** require parents to sign up for or enroll in public benefits or insurance programs (Medi-Cal) in order for their child to receive FAPE under Part B of the IDEA (34 CFR 300.154 [d][2][i]).
- **May not** 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 for services and reimbursement through Medi-Cal. However, the LEA may pay the cost, such as a co-pay, that you otherwise would be required to pay (34 CFR 300.154[d][2][ii]).

- **May not** use a student's benefits under Medi-Cal if that use would:
 - Decrease available lifetime coverage or any other insured benefit.
 - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program (Medi-Cal) and are required for the child outside of the time the child is in school.
 - Increase premiums or lead to the discontinuation of public benefits or insurance (Medi-Cal).
 - Risk loss of eligibility for home and community-based waivers, based on aggregate health related expenditures (34 CFR 300.154[d][2][iii][A-D]).

Compliance Officers

Ms. Kim Ransom Centinela Valley UHSD	Phone: 310-263-3188 14901 Inglewood Avenue	Fax: 310-675-8179 Lawndale, CA 90260
Dr. Melissa Moore El Segundo USD	Phone: 310-615-2650 641 Sheldon Street	Fax: 310-322-0231 El Segundo, CA 90245
Dr. Geraldine Tamayo Hawthorne SD	Phone: 310-676-2276 14120 Hawthorne Blvd.	Fax: 310-644-9216 Hawthorne, CA 90250
Ms. Patricia Escalante Hermosa Beach CSD	Phone: 310-937-5877 1645 Valley Drive	Fax: 310-376-4974 Hermosa Beach, CA 90254
Ms. Janice Carter Inglewood USD	Phone: 310 419-2700 401 S. Inglewood Avenue	Fax: 310-680-5140 Inglewood, CA 90301
Ms. Sharon Azmon Lawndale ESD	Phone: 310-973-1300 4161 West 147 th Street	Fax: 310-263-6496 Lawndale, CA 90260
Dr. Eric Medrano Lennox SD	Phone: 310-695-4000 10319 Firmona Avenue	Fax: 310-671-1795 Lennox, CA 90304
Ms. Carol Higa Los Angeles County Office of Education	Phone: 562-803-8338 9300 Imperial Highway	Fax: 562-940-1801 Downey, CA 90242
Ms. Megan Atkins Manhattan Beach USD	Phone: 310-318-7345 325 South Peck Avenue	Fax: 310-303-3826 Manhattan Beach, CA 90266
Dr. Kimberly M. Fricker Palos Verdes Peninsula USD	Phone: 310-378-9966 375 Via Almar	Fax: 310-378-0732 Palos Verdes, CA 90274
Ms. Jessica Silberling Redondo Beach USD	Phone: 310-798-8683 1401 Inglewood Avenue	Fax: 310-798-8689 Redondo Beach, CA 90278
Dr. George Mannon Torrance USD	Phone: 310-972-6002 2335 Plaza Del Amo	Fax: 310-972-6122 Torrance, CA 90509
Dr. Blake Silvers Wiseburn USD	Phone: 310-643-3025 13530 Aviation Blvd.	Fax: 310-643-7659 Hawthorne, CA 90250
Dr. Michael Jason Southwest SELPA	Phone: 310-680-5770 10322 Condon Avenue	Fax: 310-680-5771 Lennox, CA 90304

For Charter Schools in the Southwest SELPA, contact the SELPA Office. If you are interested in Alternative Dispute Resolution (“ADR”) services, please contact the Southwest SELPA at (310) 680-5770.

Custodian of Record

Ms. Kim Ransom Centinela Valley UHSD	Phone: 310-263-3188 14901 Inglewood Avenue	Fax: 310-675-8010 Lawndale, CA 90260
Ms. Melissa Moore El Segundo USD	Phone: 310-615-2650 641 Sheldon Street	Fax: 310-322-7939 El Segundo, CA 90245
Dr. Helen Morgan Hawthorne SD	Phone: 310-676-2276 14120 Hawthorne Blvd.	Fax: 310-675-2308 Hawthorne, CA 90250
Ms. Patricia Escalante Hermosa Beach SD	Phone: 310-937-5877 1645 Valley Drive	Fax: 310-376-4974 Hermosa Beach, CA 90254
Dr. Thelma Melendez de Santa Ana Inglewood USD	Phone: 310-419-2700 401 S. Inglewood Avenue	Fax: 310-680-5137 Inglewood, CA 90301
Ms. Sharon Azmon Lawndale ESD	Phone: 310-973-1300 4161 West 147 th Street	Fax: 310-263-6496 Lawndale, CA 90260
Dr. Eric Medrano Lennox SD	Phone: 310-330-4000 10319 Firmona Avenue	Fax: 310-671-1795 Lennox, CA 90304
Mr. Larry Canter Los Angeles County Office of Education	Phone: 562-803-8338 9300 Imperial Highway	Fax: 562-940-1801 Downey, CA 90242
Ms. Megan Atkins Manhattan Beach USD	Phone: 310-318-7345 325 South Peck Avenue	Fax: 310-303-3826 Manhattan Beach, CA 90266
Dr. Keith Butler Palos Verdes Peninsula USD	Phone: 310-846-3418 375 Via Almar	Fax: 310-378-0732 Palos Verdes, CA 90274
Ms. Jessica Silberling Redondo Beach USD	Phone: 310-798-8683 1401 Inglewood Avenue	Fax: 310-798-8689 Redondo Beach, CA 90278
Dr. Tim Stowe Torrance USD	Phone: 310-972-6061 2335 Plaza Del Amo	Fax: 310-972-6065 Torrance, CA 90509
Dr. Blake Silvers Wiseburn USD	Phone: 310-643-3024 13530 Aviation Blvd.	Fax: 310-643-7659 Hawthorne, CA 90250

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SPECIAL EDUCATION LOCAL PLAN AREA

SECTION 7

EARLY CHILDHOOD
EDUCATION

Section 7 Early Child Education

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Section 7 Early Childhood Education

7.1 INTRODUCTION

The Southwest SELPA, LEAs, the Harbor Regional Center (HRC), and the Westside Regional Center (WRC) will actively and systematically seek out all children with disabilities from birth to age five to refer, assess and determine eligibility for special education services. This includes infants and toddlers and their families with disabilities who are homeless or wards of the state.

With the enactment of the California Early Intervention Services Act of 1993, LEAs became responsible for serving all infants and toddlers who have a **solely low-incidence disability** means one disability or a combination (vision, hearing, orthopedic impairment) that is the primary disability and has a significant impact on the child's learning and development. The determination of solely low-incidence disability is made by the IFSP team of the LEA. The infant or toddler who has a solely low-incidence disability is not eligible for services from a regional center.

To be considered to have a solely low-incidence disability, a child must meet the appropriate eligibility criteria under 5 CCR 3030 and 3031. All children who meet criteria under Section 3030 for one or more of the low-incidence disabilities (and for who the low-incidence disability is considered the primary disability) are considered eligible for special education and related services as well as Early Start because, under Early Start regulations (17 CCR 52022[b][2]), the existence of low-incidence condition constitutes an established risk condition.

An infant or toddler who is eligible for early intervention services through regional center and is determined to be eligible to receive early intervention services in one of the Southwest SELPA early intervention program is "dually served".

An Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP) will be developed by a multidisciplinary team to identify the child's needs and plan appropriate services for the child and the family. LEAs will work cooperatively with the HRC, WRC and other appropriate public agencies to provide all necessary services.

7.2 INFANT CHILDREN (AGES ZERO TO THREE) WITH DISABILITIES

Identification and Referral

Child find activities may include:

1. Assigning liaisons to local hospitals and hospitals with neonatal intensive care units;
2. Contacting local parent organizations and support groups;
3. Distributing early intervention materials to agencies and individuals providing medical, social and educational services in the community;
4. Community-wide health and developmental screening;

5. Producing and distributing public service announcements;
6. Producing pamphlets, brochures and other written communication; and,
7. Making presentations to local professional groups, philanthropic organizations and other organizations established to inform and/or to serve culturally diverse populations.

Southwest SELPA, HRC, WRC and LEAs shall coordinate local child find activities with each other and other public agencies.

Primary referral sources include, but are not limited to, hospitals, including prenatal and postnatal care facilities, physicians, parents, childcare programs, districts, public health facilities, other social services agencies and other health care providers.

Southwest SELPA, HRC and WRC shall inform primary referral sources of the following:

1. Eligibility criteria for early intervention services;
2. Types of early intervention services available through the Early Start Program;
3. Contact persons and telephone numbers for regional centers and districts; and,
4. Federal and State regulation requirements that a referral shall be made to the regional center or district **“as soon as possible but no more than seven calendar days (7days) after identification”** of an infant or toddler, who is in need of early intervention services. 303.303(a)(2)(i)

The Southwest SELPA, HRC and WRC that receives an oral or written referral for early intervention services shall ensure that:

1. The date of the referral is documented in the infant’s or toddler’s record;
2. A service coordinator is assigned; and,
3. Written notice is provided and consent is requested. (17 CCR 52040, 52060)

Early Start Program Description

Early Start Program is a statewide system of early intervention services and supports infants and toddlers from birth to 36 months of age, with disabilities or at risk of having disabilities and their families. Early intervention services build upon the natural learning that occurs in the first few years of a child’s life and are designed to lessen the impact of the disability on the child and on the family. The primary purpose of an early education program, is to enhance development of the infant in the context of his or her family. To meet this purpose, the program shall focus upon both the infant and his or her family, and may include home visits, group services, family involvement, and/or parent education activities. Services shall be provided in the natural (home, community)

environment whenever possible and the need to be specifically designed to meet the unique needs of infants, from birth to three years of age, and their families.

The Southwest SELPA, in collaboration with California Department of Education, Los Angeles County Office of Education (LACOE), local school districts, the Department of Developmental Disabilities and local regional centers has supported the provision of family-centered, multidisciplinary, interagency and community-based services since 1986.

The provision of these services for infants and toddlers at risk for developmental delay or with disabilities and their families are authorized, funded and regulated at both the federal and state level.

Early Start Programs shall include, as program options, home-based services and group services.

Home-based and group services will be provided through a transdisciplinary team consisting of the parent and a group of professionals from various disciplines.

Credential personnel with expertise in severe orthopedic impairment, vision and hearing will be the primary providers of services to infants and toddlers whenever possible

The frequency of home-based services shall be typically weekly or bi-weekly, depending on the needs of the infant and the family. Early Start Program has year- round availability.

Early education services may also be provided through both home visits and group settings with other infants. The frequency of home visits provided in conjunction with group services shall range from one to eight visits per month. The frequency of group services shall not exceed three hours a day for up to, and including, two days a week, and shall be determined on the basis of the needs of the infant and the family.

Parent involvement/education activities are provided in conjunction with home based and group services ranging from one to eight times per month. (EC 56424-56426.2)

Infant Children (Ages Zero to Three) Assessment to Determine Eligibility

Each infant or toddler referred for evaluation for early intervention services shall have a timely, comprehensive, multidisciplinary evaluation of his or her needs and level of functioning in order to determine eligibility.

The determination of eligibility for an infant or toddler shall be made by qualified personnel of the District of Service for Infant Program or RC as per *Memo of Understanding/Interagency Agreement*. The determination shall be made with the participation of the multidisciplinary team including the parent. Evaluation and assessment shall be based on informed clinical opinion and include:

1. A review of pertinent records related to the infant or toddler's health status and medical history provided by qualified health professionals, who have evaluated or assessed the child.

2. Information obtained from parental observation and report.
3. Evaluation by qualified personnel of the child's level of functioning in each of the following areas:
 - a. cognitive development
 - b. physical and motor development, including vision and hearing
 - c. communication development
 - d. social or emotional development
 - e. adaptive development
4. No single procedure shall be used as the sole criterion for determining a child's eligibility.
5. Standardized tests or instruments may be used as part of the evaluation. If such tests are used, they shall be selected to ensure that, when administered to an infant or toddler with impaired sensory, motor or speaking skills, the tests produce results that accurately reflect the infant's or toddler's aptitude, developmental level, or any other factors the test purports to measure. The test should not factor in the infant's or toddler's impaired sensory, motor or speaking skills unless those skills are the factors the test purports to measure. The tests must be validated for the specific purpose for which they are used.
6. Procedures and materials for evaluation and assessment of infants and toddlers shall be selected and administered so as not to be racially or culturally discriminatory.
7. Infants or toddlers with solely low incidence disabilities shall be evaluated and assessed by qualified personnel of Southwest SELPA Infant Center whose professional preparation, license or credential authorization are specific to the suspected disability.
8. Regional Centers, LEA's and multidisciplinary teams shall not presume or determine eligibility, including eligibility for medical services provided through the Department of Health Services, for any other state or local government program or service when conducting evaluations or assessments of an infant or toddler or their family. (17 CCR 52082; GC95016)

Infant Children (Ages Zero to Three) Assessment for Service Planning

Assessment for service planning for eligible infants or toddlers shall identify all of the following:

1. The child's unique strengths and needs in each of the above areas.
2. Early intervention and other services appropriate to meet the needs.

3. If the family consents to a family assessment, the resources, priorities and concerns of the family and the supports and services necessary to enhance the family's capacity to meet the developmental needs of an infant or toddler with a disability.

Assessment for service planning shall be based on age appropriate methods and procedures that may include any of the following:

1. A review of information related to the child's health status and medical history provided by qualified health professionals, who have evaluated or assessed the child.
2. Developmental observations by qualified personnel and the parent.
3. Other procedures used by qualified personnel to determine the presence of a developmental delay or high risk for a developmental disability.
4. Standardized tests or instruments.

Assessments of family resources, priorities and concerns related to enhancing the development of the infant or toddler shall be voluntary on the part of the family. The family assessment shall:

1. Be conducted by qualified personnel trained to utilize appropriate methods and procedures;
2. Be based on information provided by the family through a personal interview;
3. Incorporate the family's description of its resources, priorities and concerns related to enhancing the development of the child; and
4. Be conducted in the language of the family's choice or other mode of communication unless it is not feasible to do so.

Evaluations and assessments for service planning shall be conducted in natural environments whenever possible. (17 CCR 52086)

Infant Children (Ages Zero to Three) Timeline for Completion of Evaluation and Assessment

The evaluation and assessment for eligibility for each child shall be completed within 45 days of the date that the referral is received.

In the event of exceptional circumstances, which make it impossible to complete the initial evaluation and assessment for eligibility within 45 days of receiving a referral, the service coordinator shall inform the parents and document the reasons for the delay. In such cases, an interim IFSP will be developed and the services agreed upon will be implemented. The interim IFSP will include the name of the service coordinator and timelines for completing assessments. (17 CCR 52086)

Infant Children (Ages Zero to Three) Eligibility

The LEA determines eligibility for services for infants and toddlers with **solely low- incidence disabilities**. The Regional Center determines eligibility for infants and toddlers with disabilities that **are not solely low**. Infants and toddlers with a solely low- incidence disability such as developmental delay or established risk condition may receive services through both Early Start and Regional Center and are considered “dually served”.

The term “ eligible infant or toddler with a disability” means infants and toddlers from birth through two years of age, for whom a need for early intervention services is documented by means of assessment and evaluation (conducted by the Regional Center) and who meet one of the following criteria:

1. Infants and toddlers with a developmental delay in one or more of the following five areas: cognitive development; physical and motor development, including vision and hearing; communication development; social or emotional development; or adaptive development.
2. Infants and toddlers with established risk conditions, who are infants and toddlers with conditions of known etiology or conditions with established harmful developmental consequences.
3. Infants and toddlers who have substantial developmental disability due to a combination of biomedical risk factors, the presence of which is diagnosed by qualified clinicians recognized by, or part of, a multidisciplinary team, including the parents.

If standardized, normed or criterion referenced instruments are used as part of the evaluation, a significant difference between a child’s current level of functioning and the expected level of development for his or her age shall be established when the child’s age equivalent score falls one third below age expectation. (17 CCR 52022; GC 95014)

NOTE: For more information refer to the *Handbook on Assessment and Evaluation in Early Childhood Special Education Programs* available at <http://www.seedsofpartnership.org/pdf/assessmentEvaluation.pdf>

Development of the IFSP

An initial IFSP shall be developed by the HRC or WRC and/or Southwest SELPA Infant Center for each eligible infant or toddler, within 45 days of the receipt, by either the regional center or LEA, of the oral or written referral.

Regional Center is the lead agency for dually served children and must develop the IFSP in compliance with state regulations.

A periodic review of the IFSP shall be conducted every six months or more frequently if service needs change, or if the parent requests such a review.

All IFSP meetings shall be conducted in settings and at times or by means that are reasonably convenient to the parent and in the language of parent's choice unless it is clearly not feasible to do so.

Meeting arrangements shall be made in collaboration with the parent. A written notice of meeting shall be provided to, the parent and other members of the multidisciplinary team in a **timely manner** to ensure attendance at the IFSP meeting.

Each initial IFSP meeting and each annual IFSP meeting shall include the following participants:

1. The parent of the infant or toddler;
2. The service coordinator; and
3. At least one Service Provider; and
4. The person(s) who conducted the evaluations or assessments.

If requested by the parent, each initial IFSP meeting and each annual IFSP meeting shall include the following participants:

1. Other family members
2. An advocate or person outside of the family.

Each IFSP meeting shall include persons who will be providing services to the infant or toddler and family as appropriate. (17 CCR 52102, 52104)

NOTE: For more information refer to the Handbook on Developing Individualized family service Plans and Individualized Education Program in Early Childhood Special Education Programs available at <http://www.seedsofpartnership.org/pdf/developing.pdf>

Contents of the IFSP

Parents receive notice of the initial IFSP meeting and the information in a document called the prior written notice. They also receive written information about their parental rights, which is called procedural safeguards notice.

The IFSP must be in writing and contain:

1. A statement of the infant's or toddler's present levels of development in the following areas:

- a. physical development, (including vision and hearing)
 - b. cognitive development,
 - c. communication development,
 - d. social or emotional development, and
 - e. self-help/adaptive development.
2. A statement of the family's resources, unique needs, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability.
 3. A statement of the major outcomes expected to be achieved for the infant or toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary.
 4. A statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, location and method of delivering services. The services are to be implemented in the student's natural environment initially and use a continuum of options to develop the least restrictive environment(LRE).
 5. A statement of the natural environments in which early intervention services shall appropriately be provided, to the maximum extent appropriate. Natural environments are settings that the natural or typical for a same-aged infant or toddler without a disability, including a justification of the extent, if any, to which the services will not be provided in a natural environment setting.
 6. The projected dates for initiation of services and the anticipated duration of the services and other services if needed.
 7. The title of the services coordinator responsible for the implementation of the plan and coordination with other agencies and persons.
 8. When dually eligible, the service provider will be **from** HRC or WRC. If the eligibility is a solely low incidence, the Southwest SELPA will be responsible for the implementation of the plan and coordination with other agencies and persons.
 9. A statement of "other" services that the child or family needs, but that are not required under part C and the steps that will be taken to secure those services (listing of non required services does not mean they must be provided).

10. The steps to be taken to support the transition of the toddler, with a disability, to preschool or other appropriate services.

The contents of the IFSP must be fully explained to the parents and informed written consent from the parents must be obtained before early intervention services can be provided. If the parents do not provide consent with respect to a particular early intervention service, then the only early intervention service to which consent is obtained shall be provided. (17 CCR 52106)

The Child's parent must give consent to the provision of each Early Start service identified in the IFSP. A parent may consent to a particular Early Intervention service without jeopardizing the child's right to receive any of the other Early Intervention services identified in the IFSP. Parent may also **revoke** their consent for an Early Intervention service at any time. That revocation of consent is not retroactive.

Review of the IFSP

The IFSP shall be evaluated once a year and the family must be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

The IFSP team will review the degree to which progress toward achieving the outcome is made and document all modifications and revisions of the outcomes or services as necessary. (17 CCR 52102)

Transition Requirements for Early Intervention

To ensure a smooth transition for toddlers receiving early intervention services to preschool or other appropriate services, the following requirements must be met:

1. The families of such toddlers will be included in the transition plans.
2. As early as 2 years 3 months of age, but no later than 2 years 11 months, the service coordinator will notify the LEA for the area in which the child resides and the parent that the child will shortly reach the age of eligibility for preschool services.
3. The District of Residence will hold an IEP meeting before the third birthday that ensures smooth and effective transition to a preschool program so that the child is in his/her preschool program on his/her third birthday. The IFSP transition planning meeting will be convened with the service coordinator, the family and the LEA at least 90 days (and at the discretion of all parties, up to 6-9 months) before the child is eligible for the preschool services. The purpose of the meeting is to discuss the transition steps and timelines, dates for transition activities and any such services that the child may receive.
4. In the case of a child who may not be eligible for preschool services, with the approval of the family, reasonable efforts will be made to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services. (17 CCR 52112; EC 56426.9)

5. An invitation to the initial IEP team meeting shall, at the request of the parent, be sent to the service coordinator or other representatives of the early education or early intervention system to assist with the smooth transition of services.
6. Early Intervention service coordinator/teacher RC/ LACOE will provide the LEA with a "Notification Letter to District/Local Education Agency (LEA) For Child Turning Three (Ages 2.3 – 2.9)" - This letter is to notify the LEA that a child who resides in your school district is currently receiving LACOE or RC Early Start Services and will be turning three years of age. The Child is potentially eligible for Part B (Preschool) services through the District/Local Education Agency (LEA).

NOTE: For more information refer to the *Handbook on A Transition from Early Childhood Special Education Program* available at <http://www.seedsofpartnership.org/pdf/transition>

7.3 PRESCHOOL CHILDREN (AGE THREE TO FIVE) WITH DISABILITIES

Identification and Referral

Preschool children age three to five with disabilities will be identified through

1. Child Find activities listed in previous sections.
2. Direct referrals from parents, preschools, physicians, members of the community, and Kindergarten teachers.
3. Children who are in transition from the Early Start Program.

Children who have been participating in the Early Start Program and are eligible to participate in preschool program will experience a smooth transition to preschool programs in the LEA or LACOE. As of the new Part C Regulations 2011, once a referral is received (from LACOE, HRC and/or WRC), the district of residence must send a letter to acknowledge the receipt of the referral within 15 days to all Early Start Programs and families. Representatives of the LEA will participate in all transition planning conferences to ensure a smooth transition. (303.209(b)(1)(i))

Evaluation and Assessment

Assessment procedures, as described in Section 2, are applicable to preschool children from three to five years of age.

The assessments will be conducted by a transdisciplinary team including early childhood specialists, speech and language pathologists, school psychologist and other professional professionals as appropriate.

The team will use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent that may assist in determining whether the child has a disability.

Special attention will be given to:

1. Assessing children with developmentally appropriate assessments.
2. Assessing children in natural environments.
3. Assessing children to identify participation in appropriate preschool activities.
4. Involving preschool personnel in observing and assessing children.

When standardized tests are considered invalid for children between the ages of three and five years, alternative means will be utilized (e.g. scales, instruments, observations, and interviews) shall be used as specified in the *Assessment Plan*. (EC 56441.11, 56441.6, 56426.6)

Eligibility

The special education eligibility criteria listed in Section 2 shall apply to preschool children, between the ages of three and five years. A preschool child qualifies as a child who needs early childhood special education services if the child meets the following criteria:

1. Is identified as having one of the following disabling conditions, or an established medical disability:
 - a. autism
 - b. deaf-blindness
 - c. deafness
 - d. emotional disturbance
 - e. hearing impairment
 - f. intellectual disability
 - g. multiple disabilities
 - h. orthopedic impairment
 - i. specific learning disability

- j. speech or language impairment in one or more of voice, fluency, language and articulation
 - k. traumatic brain injury
 - l. visual impairment
 - m. established medical disability (ages 3 – 5 only)
2. Needs specifically designed instruction or services to access general education.
 3. Has needs that cannot be met with modification of a regular environment in the home or school, or both, without ongoing monitoring or support as determined by an IEP team.

A child is not eligible for special education and related services if the child does not otherwise meet the eligibility criteria and his or her educational needs are due primarily to:

1. Unfamiliarity with the English language;
2. Temporary physical disabilities;
3. Social maladjustment; or
4. Environmental, cultural, or economic factors.

Established medical disability (ages 3-5 only) is defined as a disabling medical condition or congenital syndrome that the IEP team determines has a high predictability of requiring special education and services (EC 56441.11, 56440, 56333-56339; 5 CCR 3030, 3031)

Individualized Education Program

The requirements for developing, implementing, and reviewing IEPs described in Section 5 are applicable to preschool children, age three to five.

An early education program for preschool children with disabilities shall include specially designed instruction and related services to meet the unique needs of preschool children and their families. To meet this purpose, the program focus is on the young child and his or her family and shall include both individual and small group services, which shall be available in a variety of typical age-appropriate environments for young children, including the home, and shall include opportunities for active parent involvement.

A preschool teacher, who has observed the child in an appropriate preschool environment, will be a member of the IEP team.

The IEPs of preschool children will describe how the disability affects the child's participation in appropriate activities. (EC 56441.2)

Services for Preschool Children with Disabilities

Services for preschool children with disabilities and their families shall be provided in coordination with other state and local agencies.

Services will be provided at public expense, under public supervision and without cost to the parents.

Early education services for preschool children may be provided to individuals or small groups and shall include:

1. Observing and monitoring the child's behavior and development in his or her environment.
2. Presenting activities that are developmentally appropriate for the preschool child and are specially designed, based on the child's exceptional needs, to enhance the child's development. Those activities shall be developed to conform to the child's IEP and shall be developed so that they do not conflict with his or her medical needs.
3. Interacting and consulting with the family members, regular preschool teachers, and other service providers, as needed, to demonstrate developmentally appropriate activities necessary to implement the child's IEP in the appropriate setting, and necessary to reinforce the expansion of his or her skills in order to promote the child's educational development. These interactions and consultations may include family involvement activities.
4. Assisting parents to seek and coordinate other services in their community that may be provided to their child by various agencies.
5. Providing opportunities for young children to participate in play and exploration activities, to develop self-esteem, and to develop pre-academic skills.
6. Providing access to various developmentally appropriate equipment and specialized materials.
7. Providing related services that include parent counseling and training to help parents understand the special needs of their children and their children's development.

Appropriate settings for these services include any of the following:

1. The regular public or private nonsectarian preschool program;
2. The child development center or family daycare home;
3. The child's regular environment, that may include the home;

4. A special site where preschool programs for both children with disabilities and children, who are not disabled, are located close to each other and have an opportunity to share resources and program;
5. Special education preschool program, with children, who are not disabled, attending and participating, for all or part of the program; or
6. A public school setting which provides an age-appropriate environment, materials, and services.

Early education services shall be provided by a transdisciplinary team. Responsibilities of early education staff shall include consultation with regular preschool program providers, consultation with other specialists, assessment services, and direct services.

Services may be provided by any of the following methods:

1. Directly by a LEA or LACOE;
2. Through an interagency agreement between a local educational agency and another public agency;
3. Through a contract with another public agency;
4. Through a contract with a nonpublic, nonsectarian school or nonpublic, nonsectarian agency; or
5. Through a contract with a nonsectarian hospital. (EC 56441.3, 56441.4, 56441.8)

Instructional Adult-to-Child Ratio

Appropriate instructional adult-to-child ratios for the group services shall be dependent on the needs of the child.

Appropriate instructional adult-to-child ratios for group services shall be dependent on the needs of the child. However, because of the unique needs of individuals with exceptional needs between the ages of three and five years, inclusive, who require special education and related services, the number of children per instructional adult shall be less than ratios set forth in subsection (b) of Section 18204 of Title 5 of the California Code of Regulations, as it read on May 1, 1987, for young children in a regular preschool program. Group services provided to individuals with exceptional needs between the ages of three and five years, inclusive, identified as severely disabled pursuant to Section 56030.5 shall not exceed an instructional adult-to-child ratio of one to five. (EC 56441.5)

Transition from Preschool to Kindergarten

As the preschool age child approaches the age to enter the elementary school environment, the child's preparation is geared toward readiness for kindergarten and later school success.

Prior to transitioning a child with disabilities from a preschool program to kindergarten, an appropriate reassessment of the child shall be conducted to determine if the child is still in need of special education and services. (EC 56445) The assessment required by EC 56445 must be provided pursuant to EC 56320, et.seq. Therefore, the reassessment of a child prior to transition to kindergarten should be handled like an initial assessment. If the student transitioning has been assessed within the past year, it is suggested the assessor complete a records review, conduct observations and consult with the teacher to make a determination whether the student remains eligible, additional assessment may be required (using different assessment tools). In either case, a report should be written and submitted to the team for consideration.

It is very important that the gains made in the special education program are not lost by too rapid a removal of individualized program and supports for these children.

As part of the transitioning process, a mean of monitoring continued success of the child shall be identified by the IEP team for those determined to be eligible for less intensive special education programs.

As part of the exit process from special education, the present performance levels and learning styles shall be noted by the IEP team. This information shall be made available to the assigned regular education teacher upon the child's enrollment on kindergarten. (EC 56445)

Appendix A Parent's Rights

Parents'
RIGHTS:

An
EARLY
START
GUIDE
for
FAMILIES

Revised 2010



Publishing Information

Parents' Rights: An Early Start Guide for Families was developed under the leadership of the Department of Developmental Services (DDS) in collaboration with the California Department of Education. It was produced through a contract with the WestEd Center for Prevention and Early Intervention.

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Ordering Information

For additional copies, contact Early Start Resources at 800.869.4337.

For information about California Early Start contact DDS at 800.515.BABY, visit our website at www.dds.ca.gov/earlystart, or e-mail earlystart@dds.ca.gov.

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Introduction

Early Start is a statewide system of early intervention services for infants and toddlers, from birth to 36 months of age, with disabilities and their families.

Services are provided in a family-centered, multidisciplinary, interagency, and community-based system. California's Early Start system is governed by federal and state statutes and regulations.

Parents* have rights and access to procedural safeguards to assure that early intervention services are provided in a manner appropriate to their child's needs and to the concerns of the family.

This booklet is intended for parents and other interested persons and provides information on parents' rights under Early Start.

*See page 3 for definition of parent as used in this booklet.

Statute and regulation citations are provided in the margins of this booklet to enable the reader to refer to the specific language found in the law. The federal statute governing Early Start is Part C of the Individuals with Disabilities Education Act (IDEA), Title 20, United States Code, Section 1431 et seq.

Federal regulations are found in Title 34, Code of Federal Regulations (CFR), Part 303.

The state law governing Early Start is the California Early Intervention Services Act, Government Code (GC), Section 9500 Et seq. State regulations are found in Title 17, California Code of Regulations (CCR), Section 52000 through Section 52175.

If you have questions concerning your rights as a parent Under Early Start, please contact your regional center or local education agency (LEA).

Confidentiality & Access to Records

Early Start records are an important source of information about your child. The information you provide to the regional center or LEA about your child and your family is confidential. Such information will only be shared with authorized persons involved in your child's services.

As a parent, * you have the right to

CFR 303.402
CCR 52164
CCR 52168

1. access records, including the right to have you or your authorized representative examine and obtain copies of records relating to your child;
2. request that any regional center or LEA amend or remove information relating to your child from the records;

CCR 52164

3. receive, within five days of your request, copies of records relating to your child and/or explanations that you request;

CCR 52168

4. request a meeting with the director of the regional center or the superintendent of the LEA about information contained in the record; and

CFR 303.401
CFR 303.460
CCR 52160
CCR 52162
CCR 52165
CCR 52169

5. have personally identifiable information about your child maintained in a confidential manner and have its sources, access, uses, and policies for location, storage, disclosure, retention, and destruction explained to you per the Family Education Rights and Privacy Act.

** In Early Start, parent means:*

- (A) A natural or adoptive parent of a child;
- (B) A guardian;
- (C) A person acting in place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare);
- (D) A surrogate parent who has been assigned in accordance with CFR 303.406 and CCR 52175; or
- (E) A foster parent, when:
 1. The foster parent has no interest that would conflict with the interests of the child,
 2. The natural parents' authority to make the decisions required of parents has been limited or relinquished under State law, and
 3. The foster parent is willing to make the decisions required of parents.

Evaluation & Assessment

CFR 303.322
CFR 303.406
CCR 52082

The determination of eligibility for Early Start in California includes a timely, comprehensive, multi-disciplinary evaluation and assessment of every child under age three years who is suspected to be in need of early intervention services. If no parent or guardian is available or if the child is a ward of the court, a knowledgeable surrogate parent who has no conflicting interest will be appointed by a regional center or LEA under Title 17, Section 52175. Procedural safeguards ensure that families are provided their rights under the law.

CFR 303.403
GC 95020(c)
CCR 52160
CCR 52161

As a parent, * you have the right to

CFR 303.401
CFR 303.404
CCR 52040(d)

1. be fully informed of your rights under EarlyStart;
2. refer your child for evaluation and assessment, provide information throughout the process, make decisions, and give informed consent for your child's early intervention services;

CFR 303.405
CCR 52162

3. understand and provide voluntary written permission or refusal before the initial evaluation and assessments are administered;

CFR 303.404
Note 2
CCR 52172(b)

Consent for evaluation and assessment is required only at the time of initial evaluation and assessment to receive services. (If consent is refused, the regional center or LEA may take steps to obtain an initial evaluation without parental consent.)

CFR 303.322
GC 95020
CCR 52082
CCR 52084
CFR 303.321
CFR 303.322
CCR 52086

4. participate in the initial evaluation and assessment process including eligibility determination;
5. receive a completed initial evaluation and assessment within 45 days after the referral of your child to a regional center or an LEA;

GC 95020(b)

6. participate in a meeting to share the results of evaluations and assessments; and

CFR 303.343
GC 95014(a)
GC 95020(b)
CCR 52082(a)
CCR 52104

7. participate in all decisions regarding eligibility and services.

The Individuals with Disabilities Education Act (IDEA)

requires the following:

- | | | |
|--|---|--|
| CFR 303.323
CCR 52084 | ◆ | 1. Evaluation and assessment materials are administered in the language of the parents' choice or other mode of communication, unless it is clearly not feasible to do so. |
| CFR 303.323
CCR 52082 | ◆ | 2. Evaluation and assessment procedures and materials are selected and administered so as not to be racially or culturally discriminatory. |
| CFR 303.322
CCR 52082 | ◆ | 3. Evaluation and assessment materials are appropriate to assess the specific areas of developmental need and are used for the specific purposes for which they were designed. |
| CFR 303.322
CCR 52082
CCR 52084 | ◆ | 4. Evaluations and assessments are conducted by qualified personnel. |
| CFR 303.322
CCR 52082 | ◆ | 5. Evaluations and assessments administered to children with known vision, hearing, orthopedic, or communication impairments are selected to accurately reflect the child's developmental level. |
| CFR 303.322
CCR 52082
CCR 52084
CCR 52102 | ◆ | 6. Evaluations and assessments are administered in the five developmental areas, which include physical development (motor abilities, vision, hearing, and health status); communication development; cognitive development; adaptive development; and social or emotional development. <i>Assessments and evaluations are ongoing while your child is in Early Start.</i> |
| CCR 52082(i)
CCR 52084(e) | ◆ | 7. Evaluations and assessments shall be conducted in natural environments whenever possible. |
| CFR 303.322
CCR 52082 | ◆ | 8. Pertinent records relating to your child's health status and medical history are reviewed. |
| CFR 303.323
CCR 52082 | ◆ | 9. No single procedure is used as the sole criterion for determining your child's eligibility for early intervention services. |
| CFR 303.322
CCR 52084
CCR 52106 | ◆ | 10. Interviews to identify family resources, priorities, and concerns regarding the development of your child and your family's needs are voluntary. |

Individualized Family Service Plan

CFR 303.340
CFR 303.342
GC 95020(b)
CCR 52100
CCR 52102

◆ An Individualized Family Service Plan (IFSP) is a written plan for providing early intervention services to an eligible child and the child's family. For an infant or toddler who has been evaluated for the first time, a meeting must take place within 45 days of the referral to the regional center or LEA to share the results of the evaluation, to determine eligibility, and, for children who are eligible, to develop the initial IFSP. Evaluation results and determination of eligibility may be shared with families prior to the first IFSP meeting.

CFR 303.342
CCR 52102

◆ A periodic review of your child's IFSP must take place at least every six months. A review may occur more frequently if there are any changes to the IFSP or if you request a periodic review with the regional center or LEA. The IFSP must also be reviewed annually to evaluate how your child is doing and to make any needed changes to the IFSP.

		<i>During the development and implementation of an IFSP, you have the right as the parent to</i>
CFR 303.343 CCR 52104	◆	1. attend the IFSP meetings and participate in developing the IFSP;
CFR 303.343 CCR 52104	◆	2. invite the other family members to attend IFSP meetings;
CFR 303.343 CCR 52104	◆	3. invite an advocate or persons other than family members to attend and participate in the IFSP meetings;
CFR 303.402 CCR 52102	◆	4. have a copy of the complete IFSP;
CFR 303.342 CFR 303.403 CCR 52102	◆	5. have the contents of the IFSP fully explained in the language of your choice;
CFR 303.342 CFR 303.404 CFR 303.405 CCR 52102	◆	6. give consent to services listed on the IFSP. <i>If you do not give consent to a service, it will not be provided. You may withdraw consent after initially accepting or receiving a service;</i>
CFR 303.12 CFR 303.344 CCR 52106	◆	7. have services provided in the natural environment or an explanation of why that is not possible;
CFR 303.460 CCR 52112 CCR 52169	◆	8. exchange information about your child among other agencies;
CFR 303.403 CCR 52161	◆	9. be notified in writing before any agency or service provider proposes or refuses to initiate or change your child's identification, evaluation, assessment, placement or the provision of appropriate early intervention services to your child or your family.
CFR 303.400 to 303.460 CCR 52161	◆	<i>The notice must contain:</i> • <i>the action that is proposed or refused;</i> • <i>reasons for the action; and</i> • <i>all available procedural safeguards.</i> <i>The notice must be presented in the language of your choice, unless it is clearly not feasible to do so, and may be translated so that you understand its contents.</i>

Mediation Conferences Due Process

CFR 303.422
CCR 52173
CCR 52174

In Early Start, parents have rights and protections to assure that early intervention services are provided to their children in a manner appropriate to their needs, in consideration of family concerns, and in compliance with applicable federal and State statutes and regulations. The following procedures are only for children under the age of three years.

*As a parent, * you have the right to*

CFR 303.419
CFR 303.420
CCR 52172

1. request a due process hearing any time a regional center or LEA proposes or refuses to initiate or change the identification, evaluation, assessment, placement, and/or provision of appropriate early intervention service(s);

CFR 303.510
CCR 52170

2. be informed of your right to file a complaint or a request for mediation and/or due process;

CFR 303.511
CCR 52170

3. file a complaint if you believe there has been a violation of any federal or state statute or regulation governing early intervention services under Early Start.

CCR 52171(e)

4. request a mediation conference immediately prior to a complaint or due process hearing request or any time during the complaint / due process hearing processes to resolve a dispute related to any matter concerning a federal or state statute governing early intervention services under Early Start including eligibility and services; and

CCR 52170(b)

5. file a complaint if a due process decision fails to be implemented.

Mediation Conference

CFR 303.419
CCR 52173

Mediation is a voluntary, non-binding, confidential process in which a neutral mediator facilitates settlement negotiations between you and another party. Voluntary mediation conferences are an informal way to resolve disagreements with early intervention service agencies or to address alleged violations of any state and federal statutes or regulations.

Hearings and State Complaints

CFR 303.419 CCR 52173	◆	As a parent, * you have the right to
CCR 52173	◆	1. file a request for mediation as the initial option for resolving a dispute or any time during the due process hearing or complaint process;
CCR 52173	◆	2. request a due process hearing or file a state complaint if the disagreement is not resolved;
CFR 303.419 CCR 52173	◆	3. refuse to participate in mediation;
CFR 303.419 CCR 52173(c)	◆	4. have an impartial person facilitate the mediation conference
CFR 303.419 CCR 52173	◆	5. require that the mediation conference is carried out at a time and in a location that is reasonably convenient for you;
CFR 303.419(b) CCR 52173(j)	◆	6. have all personally identifiable information maintained in a confidential manner; and
CFR 303.419 CCR 52173(i)	◆	7. receive a written document outlining the agreements reached as a result of the mediation conference.
CCR 52173	◆	Requests for mediation are filed with the: Office of Administrative Hearings Attention: Early Start Intervention Section 2349 Gateway Oaks Drive, Suite 200 Sacramento, CA 95833 (916) 263-0654 Fax: (916) 376-6318
		Due Process
CFR 303.420 CCR 52173	◆	All parents are encouraged to resolve differences at the lowest administrative level possible. When differences between you and a regional center or LEA cannot be resolved, due process hearings are available. You, as a parent, are encouraged to seek assistance from your child's service coordinator, the regional center, or the Special Education Local Plan Area (SELPA) office..
CCR 52172(a)	◆	Circumstances leading to a due process hearing may be disagreements related to a proposal or refusal for identification, evaluation, assessment, placement, or services.

Mediation Conferences Due Process

CCR 52172(g)

Your child will continue to receive the early intervention services identified on the IFSP that he/she is currently receiving unless you and the regional center or LEA otherwise agree to a change. If your disagreement involves a new service that has not started, your child will receive all services identified on the IFSP that are not in dispute. This does not include your regional center providing early intervention services after your child has reached 36 months of age, as federal law and regulations do not allow states to pay for early intervention services under any circumstances once your child transitions from Early Start. The program or programs your child enrolls in subsequent to transition from Early Start is responsible for providing you and your child services for which he or she is eligible to receive.

CCR 52172

Requests for a due process hearing are filed at the following address:*

Office of Administrative Hearings
Attention: Early Start Intervention Section
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833
(916) 263-0654 Fax: (916) 376-6318

**The due process hearing request form may be obtained from your service coordinator, the regional center, the LEA, and the Department of Developmental Services (DDS) website: www.dds.ca.gov/Forms/pdf/DS1802.pdf*

CCR 52172e

The due process hearing must be completed within 30 days of receipt of the request by the Office of Administrative Hearings. The timely issuance of the written decision may not be delayed by any concurrent voluntary local efforts to resolve the matter. The decision will be final unless appealed.

CFR 303.421(a)
CCR 52172

As a parent, you have the right to:

1. have the due process hearing conducted by an impartial person, not employed by an agency serving your child, who is knowledgeable in the laws relating to early

Hearings and State Complaints

- CFR 303.423(a)
CCR 52172(f) ◆ relating to early intervention and the service needs of infants, toddlers, and families;
- ◆ 2. require that the proceeding is carried out at a time and in a location that is reasonably convenient for you;
- CCR 52172 ◆ 3. have all personally identifiable information maintained in a confidential manner;
- CFR 303.424
CCR 52172 ◆ 4. bring a civil action against the other party following completion of the proceeding if you disagree with the results;
- CFR 303.425(a)
CCR 52172(g) ◆ 5. receive services identified on the IFSP that are not in dispute; and
- CFR 303.460(a)
CCR 52173(j) ◆ 6. have mediation discussions kept confidential and not used as evidence in any subsequent due process or civil proceedings.

During a due process hearing, you also have the right to:

- CFR 303.419(b)
CCR 52173(j) ◆ 1. be accompanied and advised by counsel and/or by individuals with special knowledge with respect to early intervention services for children under age three years;
- CFR 303.422(b)
CCR 52174(d) ◆ 2. present evidence, confront, cross-examine, and compel the attendance of witnesses;
- CFR 303.422(b)
CCR 52174(d) ◆ 3. prohibit the introduction of any evidence at the proceeding that has not been disclosed to you at least five days before the proceeding begins;
- CFR 303.422(b)
CCR 52174(d) ◆ 4. obtain a written or electronic verbatim transcription of the proceeding; and
- CFR 303.422(b)
CCR 52174(d) ◆ 5. obtain written findings of facts and decisions within 30 days from the date the request is filed.

State Complaints

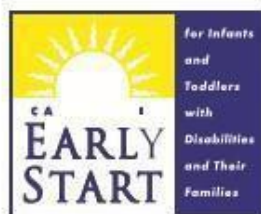
- CFR 303.510
CCR 52170(a) ◆ Any individual or organization may file a signed, written complaint against DDS, the California Department of Education (CDE), or any regional center, LEA, or private service provider that receives Part C funds alleging violation of any state or federal early intervention statute or regulation. However, even though DDS is mandated to investigate any complaint it receives, state law does not allow disclosure of the Early Start recipient's

Mediation Conferences Due Process

	personally identifiable information without written parental consent, other than authorized employees specified by the regional center or LEA.
CFR 303.423 CCR 52170	Information or assistance in filing complaints is available from your child's service coordinator, the regional center office, or the SELPA. DDS and CDE are available for consultation regarding the filing of a complaint. Additional assistance is available from advocacy organizations such as the State Council on Developmental Disabilities or Disabilities Rights California.
CFR 303.425 CCR 52170(e)	Complaints are filed directly with the Department of Developmental Services Office of Human Rights and Advocacy Services Attention: Early Start Complaint Unit 1600 9 th Street, Room 240, MS 2-15 Sacramento, CA 955814 (916) 654 1888 Fax: (916) 651-8210
	<i>Any individual or organization who files a complaint has the right to</i>
CCR 52170	1. receive assistance in filing the complaint from the service coordinator, regional center, and/or LEA;
CCR 52170	2. not be compelled to use any other procedures under the Education Code or the Lanterman Developmental Disabilities Services Act to resolve the complaint;
CCR 52171(a)	3. submit additional information to DDS that may be helpful to the investigation;
CCR 52171(c)	4. receive a final written decision within 60 days of the date DDS receives the complaint;
CCR 52171(a)	5. receive appropriate remedies that may include monetary reimbursement or other corrective action, and assurance that services will be provided appropriately in the future if the decision of DDS includes remedies for denial of appropriate services;

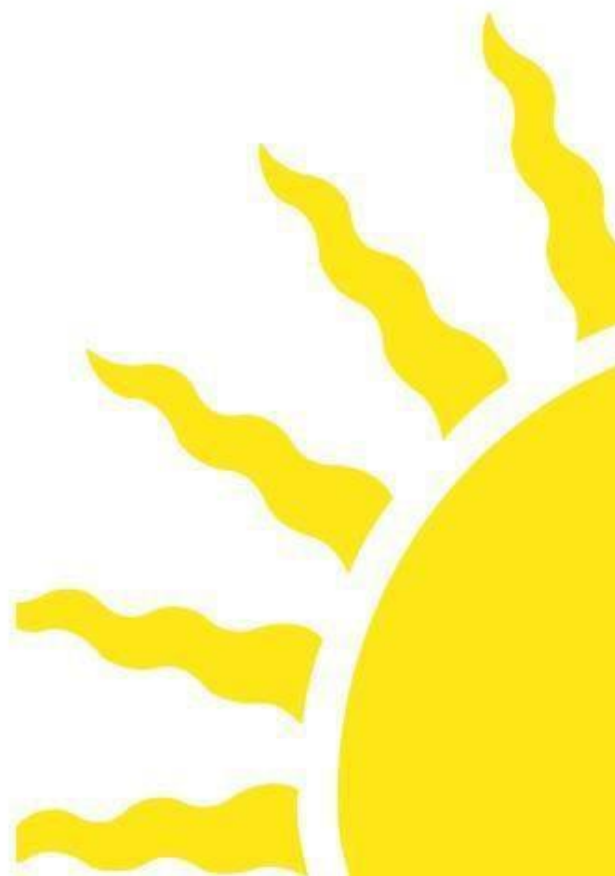
Hearings and State Complaints

- | | | | |
|----------------------------------|---|----|--|
| CCR 52171 | ◆ | 6. | have any issue in a complaint that is not part of a due process hearing be resolved by DDS within 60 days of receipt of the complaint; |
| CCR 52171 | ◆ | 7. | be notified by DDS that the hearing decision is binding if an issue is being raised in a complaint that had previously been decided in a due process hearing involving the same parties; and |
| CCR 52171(e) | ◆ | 8. | have any complaint resolved that alleges the failure of a public agency or private service provider to implement a due process decision. |
| <i>The complaint must</i> | | | |
| CCR 52172(a) | ◆ | 1. | be in writing and contain a signed statement alleging that DDS, CDE, the regional center, LEA, or other service provider involved with Early Start has violated a federal or State law or regulation; |
| CCR 52172(f) | ◆ | 2. | provide the name, address, and phone number of the complainant; |
| CCR 52172(f) | ◆ | 3. | contain a statement of facts upon which the violation is based; |
| CCR 52172(c) | ◆ | 4. | include the name of the party against whom the complaint is being filed; |
| CCR 52172(c) | ◆ | 5. | have occurred not more than one year before the date the complaint is received by DDS unless a longer period is reasonable because the alleged violation continues for the child or other children, or |
| CCR 52172(c) | ◆ | 6. | have occurred not more than three years before the date on which the complaint is received by DDS if the complainant is requesting reimbursement or corrective action as remediation of the complaint; |
| CCR 52172(f) | ◆ | 7. | the complaint may also include, if applicable, a description of the voluntary steps taken at the local level to resolve the complaint; and |
| CCR 52172 | ◆ | 8. | be withdrawn if the complainant elects to participate in mediation within the 60-day complaint investigation. |



California Early Start is an interagency system of coordinated early intervention services administered by the Department of Developmental Services in collaboration with the California Department of Education.

www.dds.ca.gov/earlystart



Appendix B Early Start Notification Letter and Preschool Acknowledgement Letter



Southwest Special Education Local Plan Area (SELPA)
10322 Condon Avenue • Lennox, CA 90277
Phone (310) 680-5770 • Fax (310) 680-5771



Notification Letter to District/Local Education Agency (LEA) For Child Turning Three (Ages 2.3 – 2.9)

Notification Date:

To District:	
Contact Name	
Preschool	
Phone Number	
E-mail Address	
Fax Number	
From LACOE Early Start	
Case Manger Name	
Phone Number	
E-Mail Address	
Fax Number	

This is to notify you that a child who resides in your school district is currently receiving LACOE Early Start Services and will be turning three years of age. Your child is potentially eligible for Part B (Preschool) services through the District/Local Education Agency (LEA).

Please be on notice that you as the Districts/Local Education Agency (LEA) have **15 calendar days** to in writing to notify receipt of this notification response to **both** parent/guardian and LACOE Early Start. Early Start Regulation (303.209(b)(1)(i))

Child Name _____ Date of Birth: _____

Parent/Guardian Information

Name _____ Name _____

Address _____

Home Language(s) Used _____

Received _____

Responded by _____

Date & Initial

Date & Initial

The attached is form A English or form B Spanish for use in response to Parent/Guardian and LACOE/Early Start notification.
LEA Acknowledgment of Receipt Notification (Form A English or Form B Spanish)



Southwest Special Education Local Plan Area (SELPA)
10322 Condon Avenue • Lennox, CA 90304
Phone (310) 680-5770 • Fax (310) 680-5771



Acknowledgment of Receipt Notification

Date _____

Dear Parent / Guardian of _____

Address _____

The purpose of this letter is to notify you that on _____
(Date)

_____ Received a notification letter on behalf of your child, who is

currently attending Early Start program and he/she may be potentially eligible for Part B (preschool) services.

Per Early Start Regulation (303.209(b)(1)(i)). The district has 15 days to respond to Early Start notice in writing to both parent and Early Start team.

Attached you will find requirements pertaining to proof of residency which is required before we can move forward with the assessment process.

Sincerely,

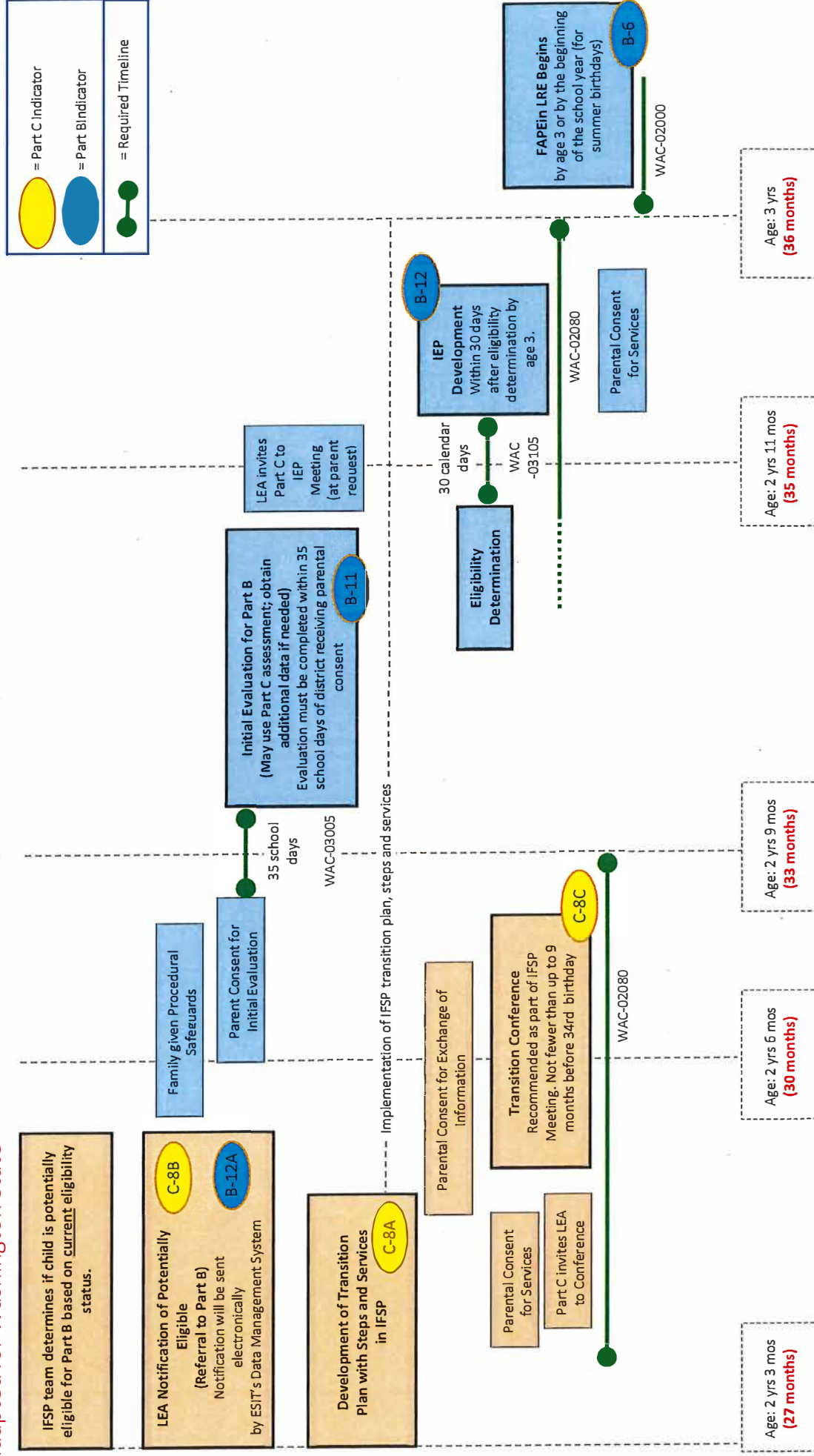
(Name)

(Phone Number)

Appendix C Part C to Part B Transition Time Line

Early Childhood Transition from Part C to Part B Timeline Requirements

adapted for Washington State



Appendix D Referral and Intake Process

SOUTHWEST SELPA EARLY START PROGRAM

Infant/Toddler Referral and Intake Process

1. **Referral information is received by SELPA Early Start Coordinator from primary referring agency.**
 - A referral may be made orally or in writing by the parent, a doctor, or any other service provider or primary referral source. A fax, phone call or email describing the child's needs and making the request is sufficient to initiate the process.
 - Federal and state regulations require that initial referrals **be made as soon as possible, but in no case more than seven days (7 days)** of identification of an infant or toddler who is in need of early intervention services.

2. **Early Start Program Specialist will contact parent, LEA, and LACOE Program**

Referral is verbally acknowledged and Southwest SELPA Parent Letter is sent to parents.

- The parents are contacted by the Southwest SELPA Early Start Program Specialist via telephone upon receipt of the initial referral. The referral is verbally acknowledged. Information about Early Start, program and services options and LEA and LACOE Early Start contact information is provided. Questions that the parent(s) have are answered.
- Subsequent to the phone conversation, a letter is sent to the parents by the Early Start Program Specialist. Information on the Early Start Program and the Southwest SELPA Special Education Family Resource Center, and a copy of *Parents Rights Under Early Start* is mailed to the parents. Contact information (e.g. school district contacts and LACOE program contacts) is included in the letter to the parents.
- The Southwest SELPA Early Start Referral Memo is written by the Early Start Program Specialist with information that was provided by the primary referral source. The memo is scanned to the appropriate school district and LACOE Program within seven (7) working days from the time the infant or toddler is referred.

Southwest SELPA Early Start Referral Memo

- The Early Start Program Specialist acts as the interim service coordinator until a permanent service coordinator (usually the receiving Early Start Teacher) is assigned. The permanent service coordinator may be assigned when the LACOE Program receives the referral memo. Alternatively, the Program may wait until the signed Interdistrict Referral has been received from the LEA to assign the permanent service coordinator.

3. **Early Start Coordinator documents initial referral activities in Early Start Log**

Early Start Log

- The initial referral information and contact with parents and programs is documented in this log and updated by the Service Coordinator while the child is receiving Early Start services.

4. **Parents, LACOE Early Intervention (EI) Program and School District (LEA) collaborate to complete the necessary paperwork.**

Southwest SELPA Interdistrict Request for Service and accompanying documentation

- Each school district has different procedures for registering and completing of enrollment for an infant or toddler for services. However, the school district must **ALWAYS** complete the *Southwest SELPA Interdistrict Request for Service* (with administrator and parent signature) and forward it to the appropriate LACOE EI program. The school district may also complete or, the LACOE Early Intervention program will assist the parent to provide the following documents:

- ~ Immunization Record
- ~ Family Needs Survey
- ~ Home Language Survey

The LACOE EI Program will assist the parent in completing the following releases:

- ~ Parent/Guardian Release Authorization for Photographs (optional)
- ~ Division of Business Operations Release from Responsibility (transportation release only if toddler is riding the bus to a center-based program)
- ~ Authorization to Share Information
- ~ Emergency Medical Information and Treatment Authorization (for infants enrolled in home services AND toddlers who are enrolled in a center-based program).

- When the LACOE program receives the signed *Southwest SELPA Interdistrict Request for Service* (and supporting documentation), the **45-day timeline** (or if there is plenty of documentation of extraordinary circumstances for a delay) completing the evaluation and hold the IFSP meeting begins. The Request for Service should be date-stamped upon receipt to document the timeline.

5. **Acknowledgement of Early Start Referral Letter**

- This form letter is completed by the receiving Service Coordinator and sent to the parent(s) immediately upon receiving the signed *Southwest SELPA Interdistrict Request for Service*.

6. **Contact Log**

- The contact log is started by the EI Program Service Coordinator. It is used to document contacts between the Service Coordinator/LACOE EI Program teacher and the family or service providers on behalf of the infant/toddler and family.

7. **Evaluation and Assessment Plan Cover Letter**

- This form letter is completed by the EI Program Service Coordinator. Include this letter with the Evaluation and Assessment Plan form when mailing to parents when given to parents during a home visit. A copy of this letter should be kept in the CUM.

8. **Early Start Consent for Evaluation and Assessment Services**

For each child, birth through age two years old who has been referred, a timely, comprehensive, and multidisciplinary team evaluation of the child's developmental functioning shall be completed.

- Multidisciplinary means the involvement of two or more disciplines or professions.
 - Refer to the numeric list of team members. Designate which members will be involved in the assessment by writing in front of each area to be assessed/evaluated.
 - A copy of *Parents' Rights and Responsibilities in the Early Start Program* under IDEA must be offered to the parent(s).
 - Parent(s) must sign consent for the multidisciplinary evaluation to be completed. A copy of the signed *Consent for Evaluation and Assessment* should be kept in the child's CUM.
 - The evaluation and assessment process should include (if not already completed by the school district) a *Family Needs Survey* identifying the needs of each child's family to appropriately assist in the development of the child. *The Family Needs Survey is voluntary on the part of the family.*
- ~ Assessment means the ongoing procedures used by qualified personnel with the child and the family throughout the period of the child's eligibility. The child's assessment identifies:
- ~
- the child's unique strengths and needs
 - the services that are appropriate to meet those need for the child
 - the **family assessment** is used to identify
 - the resources, priorities, and concerns of the family
 - he supports and services needed to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability

9. **Individual Family Service Plan (IFSP) Pupil Log**

- This log is used to document the components of the referral and IFSP process from the initial referral to the Transition Plan and exit of the infant/toddler at three (3) years of

age. This log is used to document **ONLY** that a meeting took place **AND** that copies of the completed IFSPs were sent to the Student File Center (Case Records), the school district, to another teacher, to LACOE Translation, the service coordinator/teacher file, etc., as appropriate. Documentation of contacts with parents and/or other contacts is maintained in the Contact Log.

10. **Parent/Guardian Confirmation of Individual Family Service Plan Meeting (ages birth to two years 11 months)**

- This letter is completed by the Service Coordinator. It is sent to the parent(s) or guardian(s) of the child to confirm an IFSP planning meeting. Copies should also be sent to other meeting participants. Meeting arrangements must be made with the family (and other participants) ***early enough before the meeting date to ensure that they will be able to attend.*** Often, dates, time, and locations of the meeting have already been discussed and confirmed verbally in a phone conversation with parents and providers. These conversations should be documented in the Contact Log. If the Confirmation Letter is delivered to the parent at the time of the IFSP meeting, a note on the Contact Log should indicate that arrangements were discussed and agreed to well before the meeting date.
- IFSP meeting must be conducted in settings and at times that are convenient to families; and
- In the language of parent's choice unless it is clearly not feasible to do so.

11. **Enrollment Record/Infant MISInformation**

- This form is completed by the Service Coordinator after the initial IFSP meeting is held. It may also be completed after each periodic or annual review or whenever services are changed. Enrollment records should be reviewed for updated information at least once per year.

Appendix E How to Complete the Southwest SELPA Request for Services for Infant / Toddler Referrals

How to complete the *Southwest SELPA Interdistrict Request for Service* for infant/toddler (Birth – 3) referrals to LACOE programs

- | | | |
|-----|--------------------------|---|
| 1. | Program Providers | A. Check LACOE box
B. Check Infant box |
| 2. | Referring District | Name or initials of home school district |
| 3. | Suspected Disability | Check box based on information available |
| 4. | Parallel Admin. Transfer | Check this box if the infant / toddler was receiving services in another country or state, has moved to this area, has a current and signed IFSP |
| 5. | Demographic Information | A – M. Fill in based on information from parents |
| 6. | Referral Information | A – L. Fill in the date that the information was completed or state “attached” to indicate that the forms or reports are included with the referral including Immunizations; Home Language Survey; Medical report with diagnosis. If available, attach evaluations, reports, current IFSP |
| 7. | School History | Fill in “N/A” |
| 8. | Previous | Fill in “N/A” unless parallel transfer – then indicate previous provider(s) |
| 9. | Referred by | A. Check School District and Parent
B. Indicate referring administrator’s name, title, school district, phone number |
| 10. | Signatures | A. Parent (or ...) signs and dates
B. Administrator (or ...) signs and dates |

For infants or toddlers (Birth – 3 years of age) with Visual Impairments, Orthopedic Impairments, Deaf or Hard of Hearing Impairments:

11. **SCAN** a copy of the completed and signed SW SELPA Interdistrict Request for Service to Jennifer_Fisher@swselpa.org. This referral will start services immediately.
12. **FAX** a copy of the completed and signed SW SELPA Interdistrict Request for Service to Jennifer Fisher, Program Specialist SW SELPA Early Start (310) 680-5771. This referral will start services immediately.
13. **JET MAIL** the completed referral packet to Jennifer Fisher SW SELPA or U.S. MAIL to Jennifer Fisher SW SELPA 10322 Condon Avenue, Lennox, CA 90304.

DO NOT FAX OR MAIL
ANY INFORMATION TO DOWNEY/
LACOE/PAU

☐ LA County Office of Education ☐ PAU ☐ Itinerant ☐ Infant ☐ Other _____ (* Referrals for infant services go to the SW SELPA office)

SOUTHWEST SELPA REQUEST FOR SERVICES

SEIS ID # _____

SSID # _____

Referring District/Charter: _____

Disability(s): _____

☐ Parallel Administrative Transfer ☒ Check Only if Applicable

Full Name of Pupil: <i>(Last, First, Middle)</i>		Sex:	Birth Date:
Address <i>(Number, Street, City, Zip)</i>		Home Phone:	
Name(s) of Person(s) Child Resides With:	Relationship to Pupil:	Guardian/Parent Work Phone:	
	Relationship to Pupil:	Guardian/Parent Work Phone:	
Parent Information <i>(if Different From Above)</i> :		Language(s) of Communication:	
Parent (s) Address <i>(Number, Street, City, Zip)</i> :		Phone:	

COMPLETE AND INCLUDE THE FOLLOWING WITH YOUR REFERRAL:

	Dated		Dated
A. Parent Questionnaire	_____	H. Assessment Plan and Report <i>(Initial & Current)</i>	_____
B. Psycho-educational Case Study	_____	I. Documentation of Hearing & Vision Screening Results	_____
C. Home Language Survey	_____	J. Hearing /Vision Screening Results	_____
D. DIS Evaluation(s)	_____	K. ELPAC / CAHSEE Results	_____
E. Immunization Records	_____	L. Transcripts	_____
F. Other Pertinent Information(Specify)	_____	<u>Deaf & Hard of Hearing/VI Additional:</u>	_____
		DHH -Audio logical Assessment Report	
		VI- Eye Exam Report by Ophthalmologist	
G. LACOE (Prelim. Info. /EDForms)	_____	<u>NOTE: (Incomplete referrals will be returned to sender)</u>	_____

SCHOOL HISTORY:

Current School:	District/County:	Grade/Level:	Age:
Previous School:	District:	City and State	Grade:
Previous School:	District:	City and State	Grade:

Referred by:	☐ School District	☐ Parent	☐ Other
Name:	Title:	Agency:	Phone:
		Email:	

SIGNATURES TO INITIATE REFERRAL:

Signature of Parent, Legal Guardian or Surrogate Parent: <i>(Specify)</i>	Date Signed:
Signature of Superintendent or Authorized Representative: <i>(Title)</i>	Date Signed:
Fax Acknowledged and Received By Whom:	Date Received:

Appendix F Southwest SELPA Early Start Program Locations

Where are the Southwest SELPA's Early Start Programs?

All infants with a solely low incidence disability are served in programs operated by Los Angeles County Office of Education as coordinated and directed by the SW SELPA. These programs are as follows:

Services for infants and toddlers with orthopedic impairments:

FIRST STEPS & Beyond (Supporting Toddlers (Infants & Families with) Education, Play & Services)

Priority placement for northern school districts

Renita Williams, Teacher & Service Coordinator

Williams_renita@lacoed.edu

Priority placement for southern school

Jennifer Strutzenburg, Teacher & Service Coordinator

Strutzenburg_jennifer@lacoed.edu

Services are center-based and in-home and in coordination with California Children's Services (CCS)

Services for infants & toddlers with vision impairment or blindness

B.R.A.I.L.L.E. (Building Rapport and Information with Loving Lessons for Exceptional Children)

Ellen Eifert, Teacher & Service Coordinator

SW Support and DIS Service

Eifert_ellen@lacoed.edu

Joe Snead, Orientation & Mobility Specialist

SW Support and DIS Service

Snead_joe@lacoed.edu

Services for infants & toddlers who are deaf or hard of hearing impairments

ABC Early Start (Acquiring and Building Communication - ES)

Linda Campbell, Teacher & Service Coordinator

Campbell_linda@lacoed.edu

REACH (Realizing Early Achievement in Children's Hearing) Specialized transition program for children who are pre- or post-cochlear implant recipients

Beth Freed, Teacher & Service Coordinator

Freed_beth@lacoed.edu

REACH UP (Realizing Early Achievement in Children's Hearing Infant/Toddler)

For children with unilateral hearing loss (atresia or mild to moderate loss in one ear or mild bilateral loss)

Camryn Rappoport, Teacher & Service Coordinator

Rappoport_camryn@lacoed.edu

In addition to the center-based programs, in-home services and audiology

Appendix G Additional Resources

ADDITIONAL RESOURCES FOR EARLY START INFORMATION	
California Department of Developmental Services (DDS)	
Children and Family Services Branch	
Phone:	(916) 654-2773
TTY:	(916) 654-2054
Fax:	(916) 654-3255
BabyLine	
Phone:	(800) 515-BABY
Website:	www.dds.ca.gov/earlystart
Early Start Complaint Unit	
Phone:	(916) 651-6309
Fax:	(916) 654-3641
Website:	www.dds.ca.gov/Complaints/Complt.ES.cfm
Regional Centers	
Harbor Regional Center	
Address:	21231 Hawthorne Blvd., Torrance, CA 90503
Phone:	(310) 540-1711
Toll Free:	(888) 540-1711
Fax:	(310) 540-9535
Website:	www.harborrb.org
Family & Professional Resource Center	
Contact:	Barbara del Monico
Phone:	(310) 543-0691 / (310) 795-4575
Email:	Barbara.delmonico@harborrc.org
South Bay Cities Early Intervention Coordinating Council	
Contact:	Valerie Dawson
Phone:	(310) 543-0691/ (310) 792-4584
Email:	valerie.dawson@harborrc.org
Westside Regional Center	
Address:	5901 Green Valley Circle, Suite 320, Culver City, CA 90230
Phone:	(310) 258-4000 Early Start: (310) 258-4096
Fax:	(310) 649-1024
Website:	www.westsiderc.org
Westside Family Empowerment Center	
Contact:	Liz Spencer
Phone:	(310) 258-4063
Fax:	(310) 338-9664
Email:	lspencer@westsiderc.org
California Department of Education-Special Education Division (CDE/SED)	
Contact:	Kristen Wright
Phone:	(916) 445-4613
TTY:	(916) 323-9779
Parent Information Support line:	
Phone:	(916) 323-6440
Website:	www.cde.ca.gov
Southwest SELPA	
Contact:	Dr. Michael Jason, Executive Director
Address:	10322 Condon Ave., Lennox, CA 90304
Phone:	(310) 680-5770
FAX:	(310) 680-5771
Website:	www.swselpa.org



SECTION 8

SECONDARY TRANSITION

Section 8 Secondary Transition

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Section 8 Secondary Transition

8.1 INTRODUCTION

Transition services (designed with a results oriented process focused on improving academic functional achievement of the student) must be addressed in the IEP of the student not later than in the year in which he/she turns 16 years of age. The goal of **transition services** is planned movement from secondary education to adult life that provides opportunities which maximize economic and social independence in the least restrictive environment for individuals with exceptional needs. Planning for transition from school to postsecondary environments should begin in the school system well before the student leaves the system. (30 EC 56460)

Transition is all about planning for a student's future and how academic courses, functional curriculum and vocational activities help move a student towards the future goal. Discussion about transition or future planning should be addressed at the beginning of the IEP team meeting so that the IEP team is focused throughout the meeting on helping the student work towards his or her future goals. The goal of transition is to provide the student with all the skills, knowledge and support necessary to make their post school goals a reality.

8.2 DEFINITION OF TRANSITION SERVICES

The term "transition services," is a **coordinated** set of activities for students with special needs that does all of the following:

- (1) Is designed within an results-oriented process, that is focused on improving the academic and functional achievement of the individual with exceptional needs to facilitate the movement of the pupil from school to post-school activities, including postsecondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation.
 - (2) Is based upon the individual needs of the pupil, taking into account the strengths, preferences, and interests of the pupil.
 - (3) Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
 - (4) Transition services for students with special needs may be special education, if provided as specially designed instruction, or a designated instruction and service, if required to assist a pupil to benefit from special education. Is based upon the individual needs of the pupil, taking into account the strengths, preferences, and interests of the pupil.
 - (5) Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
- (56345.1. (a))

8.3 TIMELINE FOR DEVELOPING INDIVIDUAL TRANSITION PLAN

Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter:

- (a) appropriate measurable postsecondary goals based **upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;**
- (b) the transition services **(including course of study)** needed to assist the child in reaching those goals; and
- (c) beginning not later than 1 year before the child reaches **the age majority (age 18), a statement that the child has been informed of the child's rights that will transfer to the child when reached age 18.**

8.4 AREAS TO BE ADDRESSED

Instruction

The IEP is an individualized instructional and support plan for students with disabilities. The transition planning, activities and services detailed in the IEP align instruction with student's post-secondary goals.

Related Services

The IEP must describe any related services the student may need, such as transportation to a work experience or career counseling to help the student prepare for his or her future goals.

Community Experiences

Instructional activities may take place in the community such as community based instruction to help students generalize the skills learned in the classroom to the real world.

Employment

All students should have employment related language in their IEP. For some students this may be a goal to go to college; for others it may mean job training or supported employment. Other students may go right to work after leaving school. LEAs are responsible for helping students identify their goals and develop plans that prepare students to achieve.

Daily Living Skills and Functional Evaluation

Some students may need specific instruction and activities in order to learn to take care of themselves and live as independently as possible. Some students may need a functional evaluation to determine which skills they will need to develop so that they are able to enter employment or live independently.

8.5 OTHER AGENCY INVOLVEMENT

A representative from any agency that is likely to be responsible for providing or paying for transition services may be invited to the IEP beginning when the student is 16 or younger if appropriate with parental consent or consent of adult student.

If a participating agency (other than the district) fails to provide the transition services described in the IEP, the IEP team will reconvene to identify alternative strategies to meet the transition objectives for the student.

If an invited agency representative cannot attend the IEP meeting to develop transition services, the district will obtain agency participation in planning for these services by some other means.

NOTE: *Electronic Links for Resources regarding Outside Agency Involvement:*

Office of Special Education and Rehabilitative Services US Department of Education: A Transition Guide to Postsecondary Education and Employment for Students and Youth With Disabilities
<https://www2.ed.gov/about/offices/list/osers/transition/products/postsecondary-transition-guide-2017.pdf>

8.6 IEP TEAM PARTICIPANTS FOR SECONDARY TRANSITION

Student

Role: Participates, communicates preferences and interests, communicates strengths, and takes part in the IEP development.

CFR 300.321(b) *Transition services participants.* (1) In accordance with paragraph (a)(7) of this section, the public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under § 300.320(b). (2) **If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.** (3) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

Point to Consider: If the student is not in attendance, how were the student's interests and preferences determined?

Parent/Family

Role: Supports the student, reinforces the value of an individual program, provides information about student's strengths and areas where assistance is needed.

Special Education Specialist

Role: Provides information, provides teaching strategies including accommodations and or modifications, suggests course of study related to student's post school goals; identifies related services, provides input into transition service needs, links student and parents with appropriate post-school services, coordinates all people, agencies, services or programs involved in the transition planning process.

General Education Teacher

Role: Assists in planning course of study, assists in identifying and providing modifications, adaptations, support and positive behavioral strategies or interventions.

(34 CFR 300.321 – Not less than one regular education teacher of such child if the child is, or may be, participating in regular education)

LEA Representative

Role: Support staff and allocate LEA resources

- Qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities
- Is knowledgeable about the general curriculum and the availability of resources of the LEA
- Has the authority to commit the LEA to implement the IEP
- LEA may designate another staff member of the IEP team if these criteria are met.

Other Specialists

- Who can interpret the instructional implications of evaluation results
- Who may be one of the team members already listed.

Other Appropriate Agency Personnel

Role: Provide information about services, eligibility criteria, explain difference between entitlement of school programs and eligibility of adult services, assist in identifying community or adult services.

8.7 SECONDARY GOALS

The IEP must document development of measurable postsecondary goals based on age-appropriate transition assessments. The IEP for students 16 years old or younger, if appropriate, must contain: **appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; (bb) the transition services (including courses of study) needed to assist the child in reaching those goals.** [Section 614(d) (1) (A) (i) (VIII)]

NOTE: Electronic Links for Assessment Resources:

Division on Career Development and Transition website– Transition Resource Guide

<http://community.cec.sped.org/dcdt/home>

National Technical Assistance Center on Transition Age Appropriate Transition Assessment Toolkit

http://www.transitionta.org/system/files/toolkitassessment/AgeAppropriateTransitionAssessmentToolkit2016_COMPLETE_11_21_16.pdf

Electronic Links for Case Study and Post Secondary Goal Examples:

National Technical Assistance Center on Transition

<http://transitionta.org/>

Student Case Study Examples:

http://transitionta.org/sites/default/files/dataanalysis/I13_Alex.pdf

http://transitionta.org/sites/default/files/dataanalysis/I13_Allison.pdf

http://transitionta.org/sites/default/files/dataanalysis/I13_Jamarreo.pdf

http://transitionta.org/sites/default/files/dataanalysis/I13_Jodi.pdf

http://transitionta.org/sites/default/files/dataanalysis/I13_Kevin.pdf

http://transitionta.org/sites/default/files/dataanalysis/I13_Paulo.pdf

Refer to Transition Appendix for NTACT (NSTTAC) Indicator 13 Checklist

http://transitionta.org/sites/default/files/transitionplanning/NSTTAC_ChecklistFormA.pdf

8.8 SUMMARY OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE

The Summary of Academic Achievement and Functional Performance is not part of the IEP process. The summary is prepared by the LEA and provided to the student when he/she leaves school, either by graduating with a general diploma or reaching the age of 22. The summary will offer the student a document that summarizes his/her academic and functional performance with recommendations about what accommodations and supports the student may need to enter post-school activities, such as training, higher education, employment, and independent living. For a student whose eligibility terminates, a LEA shall provide the student with a summary of his/her academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the his/her post-secondary goals.

(Section 614(c) (5) (B))

Summary of Performance

A local education agency shall provide a child whose eligibility terminates because of receiving a high school diploma, or due to exceeding the age of eligibility, with a summary of the child's academic achievement and functional performance. The summary shall:

- Include results of transition-focused assessments

- Be written in a way that communicates key information that will assist the student in gaining access to and participating in post-secondary education and employment.
- Clearly indicate the student's post-secondary goals and their progress towards meeting those goals.
- Eliminate the need for unnecessary testing and will improve interagency linkages.

NOTE: Refer to Transition Appendix for:

Legal Requirements and Best Practices Q&A (Taken from Transition to Adult Living from CDE)
Resources related to Summary of Academic Achievement and Functional Performance.

8.9 TRANSFER OF RIGHTS AT AGE OF MAJORITY

The IDEA '04 continues the requirement of notifying the student and family that educational rights convert to the student upon reaching the age of majority, which is 18 years old in California: beginning not later than 1 year before the student reaches the age of majority under State law, a statement that the student has been informed of his/her rights if any, that will transfer to the child on reaching the age of majority. (Section 614(d) (1) (A) (i) (VIII), emphasis added)

8.10 POST-SECONDARY FOLLOW-UP

The State requires districts to seek information from students who have graduated from high school to collect data on post school outcomes.

Indicator 14 requires states to report the “percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school. B. Enrolled in higher education or competitively employed within one year of leaving high school. C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school”. (20 U.S.C. 1416(a)(3)(B))

NOTE: Refer to Transition Appendix for:

~ Prior Written Notice Completion of Course of Study (Sample Letter)
~ Prior Written Notice of Proposed Action Graduation from High School (Sample Letter) ~
SOUTHWEST SELPA - CASEMIS Postsecondary Follow Up Procedures

8.11 STUDENTS BETWEEN NINETEEN AND TWENTY-TWO YEARS

“Aging Out” of Special Education

Source: California Education Code 56026: (c) (4)

Between the ages of nineteen and twenty-one, inclusive; enrolled in or eligible for a program under this part or other special education program prior to his or her nineteenth birthday; and has not yet completed his or her prescribed course of study or who has not met proficiency standards.

State of California Education Code Section 56026 (a-d)

- (a) Any person who becomes 22 years of age during the months of January to June, inclusive, while participating in a program under this part may continue his or her participation in the program for the remainder of the current fiscal year, including any extended school year program for individuals with exceptional needs established pursuant to Section 3043 of Title 5 of the California Code of Regulations and Section 300.106 of Title 34 of the Code of Federal Regulations.
- (b) Any person otherwise eligible to participate in a program under this part shall not be allowed to begin a new fiscal year in a program if he or she becomes 22 years of age in July, August, or September of that new fiscal year. However, if a person is in a year-round school program and is completing his or her individualized education program in a term that extends into the new fiscal year, then the person may complete that term.
- (c) Any person who becomes 22 years of age during the months of October, November, or December while participating in a program under this act shall be terminated from the program on December 31 of the current fiscal year, unless the person would otherwise complete his or her individualized education program at the end of the current fiscal year.
- (d) No local educational agency may develop an individualized education program that extends these eligibility dates, and in no event may a pupil be required or allowed to attend school under the provisions of this part beyond these eligibility dates solely on the basis that the individual has not met his or her goals or objectives.

Appendix A Transition Legal Requirements

SECONDARY TRANSITION Appendix

LEGAL REQUIREMENTS AND BEST PRACTICES Q & A

Taken from *Transitions to Adult Living, an Information and Resource Guide*, California Department of Education 2007

Question: *Are education agencies responsible for preparing students for their futures?*

Answer: Yes. IDEA '04 continues to reinforce the intention that education agencies will assist students to successfully transition from school to adult living. Its purpose clearly states the legislative intent that education agencies prepare students for life after leaving school:

(d) PURPOSES. —The purposes of this title are— (1) (A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. (Section 601, emphasis added)

What It Means: The primary purpose of the IDEA is to ensure that children and youth with disabilities have a right to a free appropriate public education; but it also means that education agencies will prepare them for activities after leaving school. These activities include attending college, training for employment, getting a job, living independently, and participating in the life of the community.

Question: *What is the definition of “transition services”?*

Answer: The definition of transition services in the IDEA '04 explains how improving a student's academic and functional achievement will improve the transition from school to adult living:

(34) TRANSITION SERVICES. —The term “transition services” means a coordinated set of activities for a child with a disability that— (A) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. (Section 602, emphasis added)

What It Means: The IDEA expects that local education agencies, community and state agencies, and families will work together to design educational programs that prepare students with disabilities for life after leaving school. The IDEA lists specific results: improved academic and functional achievement that will offer youth choices in adult life. These choices include continued education, employment, and the ability to assume adult roles.

Question: *What is the coordinated set of activities designed to help students move from school to adult living?*

Answer: The definition of transition services is a coordinated set of activities. The activities to which the IDEA refers have a concerted purpose: to help students move successfully from school to adult living. Improving a student's academic and functional performance while in school increases the student's chances for a better future. Best practices involve helping the student understand the connection between school and careers, coordinating all stakeholders—the student, the family, the school, and other service providers— and having the student's goals for the future as the focus of all activities. The definition further clarifies that transition services are based on the student's interests and include the areas of instruction, community experiences, developing employment or other goals (such as further education), and any other related services the student may need to achieve his or her long-term goals.

TRANSITION SERVICES —The term “transition services” means a coordinated set of activities for a child with a disability that— (A) is designed to be within a results- oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; (B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and (C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. (Section 602)

What It Means: General and special educators coordinate activities with the student to assist the student in identifying his or her strengths, interests, and preferences for post-school activities— such as further education, training, or employment—and to help the student achieve those goals. General and special educators coordinate activities to ensure that students with disabilities receive a standards- based or functional education, individually determined according to student need, with appropriate supports, services, accommodations, and modifications to be successful in school and beyond school. Additionally, students receive instruction and engage in activities that prepare them for the world of work and community. Local education agencies coordinate with community and state agencies involved with higher education, employment training, and services for adults with disabilities to better inform students about the options available after leaving school. Local education agencies work with families to develop transition plans designed to help students reach their future goals and, ideally, provide information to families about post-school options and adult services for their children.

Question: *What is the required transition services language in the IEP?*

Answer: The definition of transition services in the IDEA '04 further explains that transition planning is student-centered and focused on the student's goals. Specific areas must be addressed in transition planning in the IEP. Transition services refer to a set of activities that:

(B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and (C) includes instruction, related services, community experiences, the development of

employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation. (Section 602, Article 34)

What It Means: The definition of transition services clarifies that when education agencies and families develop transition services language in the IEP, it must be based on the student's strengths, interests, and ideas about what he/she wants to do when finished with school. Students may not know what they want to do after leaving school or they may not have realistic goals; so the transition services language should include activities that help students make informed decisions to formulate realistic goals that match their unique personalities, interests, and preferences. Once student interest and preference have been identified, the IDEA identifies the following areas to be addressed in transition services language in the IEP:

Areas to Be Addressed In Transition Services Language in the IEP

Instruction the IEP is an individualized instructional and support plan for students with disabilities. The transition planning, activities, and services detailed in the IEP align instruction with the student's post-school goals. For most students, participation in a standards-based instructional program will provide them the requisite skills to enter college, further training, or employment. Many students benefit from seeing the connection between school and career by participating in school- and work-based instructional experiences, while others may need more intensive functional skills training to enter the world of work.

Related services The plan must describe any related services the student may need— such as transportation to a work experience or career counseling— to help the student prepare for his or her future goals.

Community experiences Instructional activities may take place in the community, such as community-based instruction, to help students generalize the skills learned in the classroom to the real world.

Employment All students should have employment related language in their IEP. For some students this may be a goal to enter higher education in order to obtain a degree leading to their career choice. Other students may need job training or supported employment; and for others still, going to work right after leaving school may be the goal. Regardless of what the goals are, schools should help students identify their goals and develop plans that prepare the students to achieve them.

Daily living skills and functional evaluation (if appropriate) Some students need specific instruction and activities in order to learn to take care of themselves and live as independently as possible. Some students may need a functional evaluation to determine which skills they will need to develop so that they are able to enter employment or live independently.

Question: When must transition service language be included in the IEP?

Answer: Not later than the student's sixteenth birthday. The point in time when transition language must be added to the IEP for students with disabilities was raised from the age of 14 in the IDEA of '97 to the age of 16 in the IDEA '04. However, for many students, beginning transition services earlier than 16 may be appropriate. *And the IDEA '04 allows for it:*

(VIII) beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter. [Section 614(d) (1) (A) (i)]

What it Means: The IEP that is developed **on or before the student's sixteenth birthday must contain transition service language**. If the student turns 16 before the next scheduled IEP meeting, the IEP team is required to develop transition services language and identify needed services during the IEP when the student is 15 years old, so that the plan is in effect when the student turns 16. However, it may be appropriate for many students to begin discussing the connection between school and careers as early as elementary school. For other students it may be appropriate to include transition services language in the IEP during middle school or when the student moves from middle to high school in order to identify appropriate courses of study that support the student's post-school goals.

Question: *What are measurable postsecondary goals?*

Answer: The IDEA '04 adds a new requirement for transition services language in the IEP, the development of measurable postsecondary goals based on age-appropriate transition assessments. The IEP for students 16 years old or younger, if appropriate, must contain:

(aa) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; (bb) the transition services (including courses of study) needed to assist the child in reaching those goals. [Section 614(d) (1) (A) (i) (VIII)]

What It Means: The use of the term "goal" to describe both what students want to happen once they leave school and also to describe what schools must do to help students achieve their long term objectives can be confusing. The IDEA '04 requires transition services language in the IEP to include **postsecondary goals, or the student's aspirations for his or her future**. The IDEA '04 **also requires annual goals in the IEP to help students achieve their goals for the future. *Annual, measurable goals in the IEP should be written each year to help the student achieve his or her post- school goals.*** The annual goals must be designed and reasonably calculated to assist students to achieve their long-term goals and must be included in the IEP no later than the student's sixteenth birthday, or earlier if appropriate.

- The **postsecondary goal** is what the student wants for his or her future in terms of higher education, training, employment, and independent living.
- The **annual, measurable goals** in the IEP are what schools will do to help the student in high school, or earlier if appropriate, to achieve long-term goals. The annual goals must be based on age-appropriate transition assessments in the areas of training, education, and, if appropriate, independent living. They must also support the student's postsecondary or long-term goals for the future.

Additionally, the transition services language must include any needed transition services, including a course of study that a student may need to accomplish his or her post-school goals. Some examples of needed transition services may include participation in career exploration and preparation experiences, career guidance counseling, and establishing connections with adult service providers.

Question: Do measurable transition goals repeat measurable annual academic and functional goals?

Answer: The IDEA '04 does not require that transition services language in the IEP repeat what was already addressed in another section of the IEP:

(ii) RULE OF CONSTRUCTION. — Nothing in this section shall be construed to require— (I) that additional information be included in a child's IEP beyond what is explicitly required in this section; and (II) the IEP Team to include information under 1 component of a child's IEP that is already contained under another component of such IEP. [Section 614(d) (1) (A)]

What It Means: If academic and functional achievement goals are developed in another section of the IEP, it is not necessary to repeat them again. Likewise, if the student's courses of study are described in another section of the IEP, it is not necessary to repeat them again. What should be included are measurable goals that will support the student's post school success.

Question: Is a new evaluation necessary when the student leaves school?

Answer: If a student's eligibility is discontinued because of graduation with a general diploma, not a certificate; or when a student reaches the age of 22, a new evaluation is not required:

(B) EXCEPTION. — (i) IN GENERAL. — The evaluation described in subparagraph (A) shall not be required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education under State law. [Section 614(c) (5)]

What It Means: The IDEA '04 does not require an assessment or evaluation when the student leaves school either by earning a general diploma or "aging out" of eligibility. However, the IDEA '04 adds the requirement that, upon exit from school, either by graduation with a general diploma or "aging out" of eligibility, the school will provide the student with a Summary of Performance that will assist the student in reaching his or her post-school goals.

Question: What is a "summary of academic achievement and functional performance"?

Answer: The Summary of Performance is a new requirement in the IDEA '04. The summary is prepared by the school and provided to the student when he/she leaves school, either by graduating with a general diploma or reaching the age of 22. The summary will offer the student a document that summarizes his or her academic and functional performance with recommendations about what accommodations and supports the student may need to enter post-school activities, such as training, higher education, employment, and independent living.

(ii) SUMMARY OF PERFORMANCE. — For a child whose eligibility under this part terminates under circumstances described in clause (i), a local education agency shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's post-secondary goals. [Section 614(c) (5) (B)]

What It Means: The Summary of Performance is not a new section of the IEP or a new evaluation. The summary of academic achievement and functional performance details existing achievement data and provides recommendations about the supports and services students will need to achieve their post-school goals. Best practices involve the student in the preparation of the summary and include the student's goals for the future. At a minimum, the student's academic and functional levels are listed, along with recommendations for the supports the student will need in post school activities. Education agencies are required to provide students with disabilities with a Summary of Performance upon exit from school.

Question: Are local education agencies still required to inform students about their rights upon reaching the age of majority?

Answer: Yes, the IDEA '04 continues the requirement of notifying the student and family that educational rights convert to the student upon reaching the age of majority, which is 18 years old in California:

(cc) beginning not later than 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m). [Section 614(d) (A) (i) (VIII), emphasis added]

What It Means: No later than age 17, the student and family must be informed that, upon reaching the age of 18, educational rights are given to the student. This means that the student and not the parent will give consent to educational decisions, including placement and services, and sign all educational documents, including the IEP. Best practices will continue to involve the family in all discussions and decisions; but upon reaching the age of majority, final decisions are the student's right. This may be challenging for families of students with significant cognitive disabilities; however, in California, the only avenue for families to retain educational rights for their sons or daughters is through a legal process called conservatorship. Obtaining conservatorship is the responsibility of the family, not the educational agency.

Appendix B NSTTAC Indicator 13 Checklist Form A

NSTTAC Indicator 13 Checklist Form A Meets Minimum SPP/APR Requirements)

Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. (20 U.S.C. 416(a)(3)(B))

1.	Are there appropriate measurable postsecondary goals in the areas of training, education employment, and, where appropriate, independent living skills? Can the goals be counted? Will the goals occur <i>after</i> the student graduates from school? Based on the information available about this student, do the postsecondary goals seem appropriate for this student? ➤ If yes to all three guiding questions, then select Yes OR if a postsecondary goal is <i>not</i> stated, select No	☐ Yes	☐ No
2.	Are the postsecondary goals updated annually? Were the postsecondary goals addressed/ updated in conjunction with the development of the current IEP? ➤ If yes, then select Yes OR if the postsecondary goals were not updated with the current IEP, select No	☐ Yes	☐ No
3.	Is there evidence that the measurable postsecondary goals were based on age appropriate transition assessment(s)? Is the use of transition assessment(s) for the postsecondary goals mentioned in the IEP or evident in the student's file? ➤ If yes, then select Yes OR if no, then select No	☐ Yes	☐ No
4.	Are there transition services in the IEP that will reasonably enable the student to meet his or her postsecondary goals? Do the transition services listed in the student's IEP that the student needs to reach the postsecondary goals include, as needed, instruction, related service(s), community experience, development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation ➤ If yes, then select Yes OR if no, then select No	☐ Yes	☐ No
5.	Do the transition services include courses of study that will reasonably enable the student to meet his or her postsecondary goals? Do the transition services include courses of study that align with the student's postsecondary goals? ➤ If yes, then select Yes OR if no, then select No	☐ Yes	☐ No
6.	Is (are) there annual IEP goal(s) related to the student's transition services needs? Is (are) an annual goal(s) included in the IEP that is/are related to the student's transition services needs? ➤ If yes, then select Yes OR if no, then select No	☐ Yes	☐ No
7.	Is there evidence that the student was invited to the IEP Team meeting where transition services were discussed? For the current year, is there documented evidence in the IEP or cumulative folder that the student was invited to attend the IEP Team meeting, (e.g. a letter inviting the student to the meeting)? ➤ If yes, then select Yes OR if no, then select No	☐ Yes	☐ No
8.	If appropriate, is there evidence that a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority? For the current year, is there evidence in the IEP that representatives of any of the following agencies/services were invited to participate in the IEP development including but not limited to: postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation for the postsecondary goals? Was prior consent obtained from the parent (or student who has reached the age of majority)? ➤ If yes to both, then select Yes ➤ If no invitation is evident and a participating agency is likely to be responsible for providing or paying for transition services and there was consent to invite them to the IEP meeting, then select No ➤ If it is too early to determine if the student will need outside agency involvement, or no agency is likely to provide or pay for transition services, select NoA ➤ If parent or individual student consent (when appropriate) was not provided, select NoA	☐ Yes	☐ No ☐ NA

Does the IEP meet the requirements of Indicator 13? (Select one)

Yes (all Yes or NA for each item (1 – 8) on the Checklist or No (one or more No)

Instructions for Completing NSTTAC Indicator 13 Checklist

1. **Are there appropriate measurable postsecondary goals in the areas of training, education, employment, and, where appropriate, independent living skills?**
 - Find the postsecondary goals for this student
 - If there are appropriate measurable postsecondary goals that address *Training* after high school, *Education* after high school, and *Employment* after high school, and (where appropriate) independent living *Skills* after high school **and** if the identified postsecondary goals for *Training, Education, and Employment*, and (where appropriate) *Independent Living Skills* appear to be appropriate for the student, based on the other information regarding Present Levels of Academic and Functional Performance and / or the student's strengths, preferences, and interests, select Yes
 - If a student's postsecondary goals in the areas of *Training* and *Education* address both training for a career and other education after high school (e.g., enrollment in an adult education program focused on both job and independent living skills; enrollment in a college program in preparation for a career in architecture), select Yes
 - *"it may not always be necessary for the student to have separate postsecondary goals for training and education in these instances. Based on the individual needs of the student and the student's plans after leaving high school, it may be reasonable for an IEP Team to interpret the areas of training and education as overlapping in developing postsecondary goals for a student. In these instances, an IEP Team could develop a combined postsecondary goal in the areas related to training and education. Employment is a distinct activity from the areas related to training and education, and each student's IEP must include a separate postsecondary goal in the area of employment."*
 - If there are postsecondary goals that address *Training* after high school, *Education* after high school, and *Employment* after high school, and (where appropriate) *Independent Living Skills* after high school, but these goals are not measurable, select No
 - If there is misalignment between the student's postsecondary goals, based on the information available (e.g., present levels of performance, student strengths, student interests, student preferences), select No
 - If there is not a postsecondary goal that addresses *Training* after high school, select No If there is not a postsecondary goal that addresses *Education* after high school, select No
 - If there is not a postsecondary goal that addresses *Employment* after high school, select No
2. **Are the postsecondary goal(s) updated annually?**
 - If the postsecondary goals for *Training, Education, Employment*, and where appropriate *Independent Living Skills* are documented in the student's current IEP, select Yes
 - If the postsecondary goals for *Training, Education, Employment*, and where appropriate *Independent Living Skills* are not documented in the student's current IEP, select No
 - If this is the student's first IEP that addresses secondary transition services because the student just turned 16, it is considered an update for purposes of this checklist, so select Yes
3. **Is there evidence that the measurable postsecondary goals were based on age appropriate transition assessment(s)?**
 - Find where information relates to assessment(s) and the transition component on the IEP (either in the IEP or the student's file)
 - For each postsecondary goal, if there is evidence that at least one age appropriate transition assessment was used to provide information on the student's needs, strengths, preferences, and interests regarding the postsecondary goals select Yes
 - For each postsecondary goal, if there is **no** evidence that age appropriate transition assessment(s) provided information on the student's needs, taking into account the student's strengths, preferences, and interests [regarding the postsecondary goals,] select No
 - If a postsecondary goal area was addressed in item #1, but was not measurable and if there is age appropriate transition assessment information, from one or more sources, regarding the student's needs, taking into account the student's strengths, preferences, and interests [regarding this postsecondary goal], select Yes
 - If a postsecondary goal area was addressed in item #1, but was not measurable and if there is **no** age

appropriate transition assessment information provided on the student's needs, taking into account the student's strengths, preferences, and interests [regarding this postsecondary goal], select No

4. **Are there transition services in the IEP that will reasonably enable the student to meet his or her postsecondary goals?**
 - Find where transition services/activities are listed on the IEP
 - For each postsecondary goal, is there a transition service such as instruction, related service, community experience, development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skill(s), and provision of a functional vocational evaluation) listed that will enable the student to meet the postsecondary goal, select Yes
 - For each postsecondary goal, if there is no transition service that relates to a specific postsecondary goal, (a) type of instruction, (b) related service, (c) community experience, (d) development of employment and other post-school adult living objective, (e) if appropriate, acquisition of a daily living skill, or (f) if appropriate, provision of a functional vocational evaluation listed in the IEP that will enable the student to meet the postsecondary goal, select No
 - If a postsecondary goal area was addressed in item #1, but was not measurable and there is a transition service that will enable the student to meet that postsecondary goal, select Yes
 - If a postsecondary goal area was addressed in item #1, but was not measurable and there is no transition service listed that will enable the student to meet that postsecondary goal, select No
5. **Do the transition services include courses of study that will reasonably enable the student to meet his or her postsecondary goals?**
 - Locate the course of study (instructional program of study) or list of courses of study in the student's IEP
 - Are the courses of study a multi-year description of coursework from the student's current to anticipated exit year that is designed to help achieve the student's desired post-school goals? If yes, go to next instruction bullet. If no, select No
 - Do the courses of study align with the student's identified postsecondary goals? If yes, select Yes. If no, select No
6. **Is (are) there annual IEP goal(s) that is (are) related to the student's transition services needs?**
 - Find the annual goals, or, for students working toward alternative achievement standards, or States in which short-term objectives are included in the IEP, short-term objectives on the IEP
 - For each of the postsecondary goal areas circled Y in question #1, if there is an annual goal or short-term objective included in the IEP related to the student's transition services needs, select Yes
 - For each of the postsecondary goals mentioned in question #1, if there is no annual goal or short-term objective included in the IEP related to the student's transition services needs, select No
 - If a postsecondary goal area was addressed in #1, but was not measurable, and an annual goal is included in the IEP related to the student's transition services needs, select Yes
 - If a postsecondary goal area was addressed in #1, but was not measurable, and there is no annual goal included in the IEP related to the student's transition services needs, select No
7. **Is there evidence that the student was invited to the IEP Team meeting where transition services were discussed?**
 - Locate the evidence that the student was invited, (e.g., a copy of the student's invitation to the IEP conference) Was the student invitation signed (by the LEA) and dated prior to the date of the IEP conference. If yes, select Yes. If no, select No
8. **If appropriate, is there evidence that a representative of any participating agency [that is likely to be responsible for providing or paying for transition services] was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority?**
 - Find where persons responsible and/or agencies are listed on the IEP

- Are there transition services listed on the IEP that are likely to be provided or paid for by an outside agency? If yes, continue with next instruction bullet. If no, select NoA.
- Was parent consent or student consent (once student has reached the age of majority) to invite an outside agency(ies) obtained? If yes, continue with next instruction bullet. If no, select NoA
- If a postsecondary goal area was addressed in item #1, but was not measurable and there is evidence that agency(ies) for which parent/student had given their consent to invite, were invited to the IEP meeting to discuss transition, select Yes
- If a postsecondary goal area was addressed in item #1, but was not measurable and there is no evidence that agency(ies) for which parent/student had given their consent to invite, were invited to the IEP meeting to discuss transition, select No
- If it is too early to determine if this student will need outside agency involvement, select NoA

Does the IEP meet the requirements of Indicator 13?

- If all Yes or NA for each item (1 – 8) on the Checklist, then select Yes
- If one or more Nos are circled, then select No

Appendix C State SELPA Form 27 Summary of Academic Achievement and Functional Performance Guidelines

FORM 27 (Page 1) SUMMARY OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE

The SOP must be completed during the final year of a student's high school education. The timing of completion of the SOP may vary depending on the student's postsecondary goals. If a student is transitioning to higher education, the SOP, with additional documentation, may be necessary as the student applies to a college or university. Likewise, this information may be necessary as a student applies for services from state agencies such as vocational rehabilitation. In some instances, it may be most appropriate to wait until the spring of a student's final year to provide an agency or employer the most updated information on the performance of the student.

Legal Citation: IDEA 2004 §Sec. 300.305(e) (3).

- **Student Name:** Indicate the name of the student
- **D.O.B.:** List the exact date (Month/Day/Year) of birth
- **Summary Date:** List the exact date (Month/Day/Year) that the SOP was completed.
- **Date of Initial IEP:** Indicate the exact date (Month/Day/Year) of student's initial IEP.
- **Date of Most Recent IEP:** Indicate the exact date (Month/Day/Year) of student's most recent IEP.
- **Disability(ies):** List student's disability(ies).
- **Native Language:** List student's native language.
- **If Student Is ELL, List Services Provided To Assist the Student:** List the English Language Development services provided to the student per their most recent IEP.
- **SOP Completed By:** Indicate the name of the person who completed the student's SOP form.
- **Social Media Accounts:** List possible accounts to reach the student privately.
- **Cell Phone:** List student's cell phone contact number.
- **Email Address:** Indicate the student's contact email address
- **Reason for Exit:** Indicate the one reason allowing the student to exit.
- **Strengths/Interests/Learning Preferences:** Provide information about the student's strengths, interests and learning preferences.
- **Pre-Academic/Academic/Functional Skills:** Indicate student's academic present levels including grade level, standard scores, strengths and needs.
- **Cognitive Abilities:** Indicate student's cognitive present levels.
- **Communication Skills:** Indicate student's communication performance.
- **Motor Skills (Fine/Gross):** Indicate student's motor performance.
- **Health:** Indicate student's health status/condition

- **Social/Emotional/Behavioral:** Indicate student's social-emotional and behavioral performance.
- **Self-Help/Adaptive:** Indicate student's self-help and adaptive skills.
- **Student's Postsecondary Goal:** List the student's postsecondary goal(s).
- **If Employment is the Primary Goal, Student's Top Three Job Interests:** List the student's top three job interests.
- **Recommendations to Assist the Student in Meeting Postsecondary Goals:** Include suggestions for accommodations, assistive devices and/or services, compensatory strategies, and/or collateral support services to enhance access in the areas of higher education or career-technical education, employment, independent living, and/or community participation. Only complete those areas relevant to the student's postsecondary goals identified in the Individual Transition Plan [ITP] portion of the IEP.
- **Agency Linkages:** Check the agencies known to be working with student or could be a resource to the student. Include the agency contact person and phone number, if known.
- **Contact Information:** Indicate district name, phone number, title of district contact person, and date when contact can be made no later than

Note: The completion of this section may require the input from a number of school personnel including the special education teacher, general education teacher, school psychologist or related services personnel. It is recommended, however, that one individual from the IEP Team be responsible for gathering and organizing the information required on the SOP

FORM 27 (Page 2) SUMMARY OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE (SOP)

For a child whose eligibility terminates due to aging out or receipt of a diploma, the district/LEA must provide the child with a SOP, which shall include recommendations on how to assist the child in meeting the child's post-secondary goals. The SOP must be completed during the final year of a student's high school education. The timing of completion of the SOP may vary depending on the student's postsecondary goals. If a student is transitioning to higher education, the SOP, with additional documentation, may be necessary as the student applies to a college or university. Likewise, this information may be necessary as a student applies for services from state agencies such as vocational rehabilitation. In some instances, it may be most appropriate to wait until the spring of a student's final year to the child with the most updated information on the performance of the so that this information may be passed on to relevant post-secondary agencies and/or employers.

- **Supplementary Aids, Services & Supports:** List supplementary aids and services, program accommodations and modifications, and/or supports offered for the student and offered for school personnel. Indicate if the supports are for the student or for school personnel by checking the appropriate box.

Appendix D State SELPA Prior Written Notice of Proposed Action Completion of Course of Study (Sample Letter)

PRIOR WRITTEN NOTICE OF PROPOSED ACTION

COMPLETION OF COURSE OF STUDY

(SAMPLE LETTER)

Date _____

INSERT DISTRICT LETTERHEAD

Re: Certificate of Completion Notification

Dear Parent, Guardian and/or Student,

Congratulations! This letter serves as written notice that _____ is currently meeting the high school requirements for a certificate of completion. Your child's (or you if you are an adult student) promotion with a *Certificate of Completion* is based on your child (or you if you are an adult student) meeting **the prescribed course of study requirements** for promotion with a high school certificate.

It is the District's determination that any other option (e.g. retention, regular high school diploma) is not appropriate for at this time.

As your child (or you if you are an adult student) _____ is/are a student who is receiving special education services, s/he continues to be eligible for special education supports and related services through age 21 unless he/she received a high school diploma.

If your child (or you if you are an adult student) becomes 22 years of age during the months of January to June, inclusive, and has a current IEP, your child or you may continue participation in the IEP program for the remainder of the current fiscal year (Ed Code 56026).

The current offer of a *free and appropriate public education (FAPE)* as outlined in the IEP dated _____ will conclude on _____.

Please be advised that your child (or you if you are an adult student) is entitled to procedural safeguards if you disagree with this determination.

Enclosed is a copy of the procedural safeguards for your review. If you have any questions, please call _____ at _____.

Sincerely,

Name: _____

Title: _____

Appendix E State SELPA Prior Written Notice of Proposed Action Graduation from High School (Sample Letter)

PRIOR WRITTEN NOTICE OF PROPOSED ACTION

GRADUATION FROM HIGH SCHOOL

(SAMPLE LETTER)

Date: _____

INSERT DISTRICT LETTERHEAD

Re: Graduation from High School with a Diploma Notification

Dear Parent, Guardian and/or Student,

Congratulations! This letter serves as written notice that _____ is currently meeting the requirements for graduation with a regular high school diploma. As _____ is receiving special education and related services, pursuant to Federal law the District must notify you of this proposed change in placement. Your child's graduation with a regular diploma is based on his/her meeting both the State of California and School District's requirements for graduation with a regular high school diploma. Upon his or her graduation, your child will no longer be eligible for special education services.

Since your child is currently on track to satisfy the requirements to graduate with a high school diploma, it is the District's determination that other options, such as awarding of a certificate of completion, is not appropriate for _____ at this time. Upon request, an IEP meeting may be convened to discuss this recommendation.

Please be advised that your child (or you if you are an adult student) is entitled to procedural safeguards if you disagree with this determination.

Enclosed is a copy of the procedural safeguards for your review. If you have any questions, please call _____ at _____.

Sincerely,

Name: _____

Title: _____

Appendix F Southwest SELPA CASEMIS Post-Secondary Follow-Up Procedures and Sample Letter (Indicator14)

SOUTHWEST SELPA - Special Education Local Planning Area CASEMIS POSTSECONDARY FOLLOW-UP PROCEDURES Follow Up-Information

TABLE D PST_SECPRG Student's Post Secondary Program Participation	
Definition:	Post-Secondary school can be full time (12 semester units or more) or part-time (less than 12 semester units). Please select the program that best describes the student's participation
Valid Format and Codes:	☐ 100 None ☐ 200 Four-year college/university ☐ 210 Community college ☐ 220 Vocational or technical school (Two year degree program) ☐ 300 GED program ☐ 310 Vocational or technical school (Certificated program) ☐ 320 Regional Occupational Programs (ROP) Classes ☐ 330 Work Force Investment Act (WIA) supported program ☐ 340 Non-Work Ability Employment Program ☐ 350 Adult Training Program ☐ 400 Military training ☐ 800 Not able to contact ☐ 850 Refused to answer ☐ 900 Incarcerated
Verified	An entry must be made, otherwise an error will result
TABLE D PST_SECEMP Student's status of gainful employment, earning unsubsidized wage	
Definition:	Competitive employment can be full-time (35 or more hours per week) or part-time (less than 35 hours per week) at or above minimum wage. If "self-employment" meets the criteria for "competitive employment", then it counts as "competitive employment (e.g., 90 days, averaging 20 hours/week, and is at or above minimum wage), If does not meet this criteria, then it counts as "some other employment".
Valid Format and Codes:	☐ 10 Yes ☐ 20 No ☐ 30 Some other employment ☐ 80 Not able to contact ☐ 85 Refused to answer
Verified	An entry must be made, otherwise an error will result

Procedures:

* A list of students with disabilities who were exited during the 2015-2016 school year will be listed on SEIS under Shared Searches / CASEMIS Table D: Post Secondary Follow Up.

1. Create mailing labels for each student on your district/charter list.
2. Mail out a letter (sample letter attached) to each student. (Top portion of the letter should be completed prior to mailing)
3. Follow up with a phone call after 1-2 weeks upon distributing the letters for student's who have not sent a response.
4. Input all information on Table D in SEIS using the codes indicated above in the Follow-Up Information.
5. For students who you have not been able to obtain information via letter/phone call, input 800/850 and 80/85 for "not able to contact" or "refused to answer".

SOUTHWEST SELPA
Special Education Local Plan Area
CASEMIS POSTSECONDARY FOLLOW-UP

Name _____

District Attended _____

Last School Attended _____

The State of California requires that school districts follow up on students one year after graduating or leaving public school. Please complete the questionnaire below and return it to us in the enclosed self-addressed, stamped envelope.

Thank you for your help in this matter.

1. Are you attending a postsecondary educational or training program full or part time? If yes, check the one that best applies.

- ☐ None
- ☐ Four-year college/university
- ☐ Community college
- ☐ Vocational or technical school (Two year degree program)
- ☐ GED program
- ☐ Vocational or technical school (Certificated program)
- ☐ Regional Occupational Programs (ROP) Classes
- ☐ Work Force Investment Act (WIA) supported program
- ☐ Non-WorkAbility Employment Program
- ☐ Adult Training Program
- ☐ Military training
- ☐ Incarcerated

2. Are you currently employed?

- ☐ Yes (full or part time, at or above minimum wage)
- ☐ No
- ☐ Some other employment (self employed at or above minimum wage)

Appendix G Resource Book: Secondary Transition Planning: The Basics –
Achieve Successful Outcomes and
Meet Mandates – Sue Sawyer, Spring 2016

http://www.catransitionalliance.org/docs/49-TransitionPlanningTheBasicsFall2017_104201794951.pdf

Secondary Transition Planning: The Basics
Achieve Successful Outcomes AND Meet Mandates



- ✓ Help Students Achieve Positive Outcomes
- ✓ Write IEPs that meet the Legal Mandate
- ✓ Implement IEPs using Best Practices

High Expectations + Effective Transition Planning= Positive Outcomes

Readiness for College, Careers & Quality Adult Life

Fall 2017



Compiled by Sue Sawyer, CA Transition Alliance



SECTION 9

SUSPENSION AND EXPULSION / DUE PROCESS

Section 9 Suspension and Expulsion / Due Process

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Section 9 Suspension and Expulsion / Due Process

9.1 DISCIPLINE

A student identified as an individual with disabilities pursuant to the IDEA is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

A student with a disability can be expelled for violation of school conduct codes only when certain procedural safeguards are followed.

If an action is contemplated regarding behavior resulting in consideration for expulsion or involving a removal that constitutes a change of placement, the parents must be notified of that decision no later than the date on which the decision to take that action is made.

Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, the IEP team must meet to review the relationship between the child's disability and the behavior subject to the disciplinary action. (27 EC 48915.5)

NOTE: See Appendix A for Disciplinary Steps Flow Chart and Appendix B for Special Education Removals for Disciplinary Purposes (Fagan, Friedman & Fulfrost LLP)

9.2 SUSPENSION

Education Code Violations

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a)
 - (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - (2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.

- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k)
 - (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph shall become inoperative on July 1, 2018, unless a later enacted statute that becomes operative before July 1, 2018, deletes or extends that date.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.
- (r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
 - (1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
 - (A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
 - (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
 - (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
 - (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
 - (2) (A) “Electronic act” means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - (i) A message, text, sound, video, or image.
 - (ii) A post on a social network Internet Web site, including, but not limited to:

- (I) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph(1).
 - (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- (iii) An act of cyber sexual bullying
- (I) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - (II) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- (B) Not with standing paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- (3) "Reasonable pupil" means a pupil, including, but not limited to, an exceptional pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

- (s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following:
 - (1) While on school grounds.
 - (2) While going to or coming from school.
 - (3) During the lunch period whether on or off the campus.
 - (4) During, or while going to or coming from, a school-sponsored activity.
- (t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- (u) As used in this section, “school property” includes, but is not limited to, electronic files and databases.
- (v) For a pupil subject to discipline under this section, a superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil’s specific misbehavior as specified in Section 48900.5.
- (w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

(Amended by Stats. 2016, Ch. 419, Sec. 2.5. Effective January 1, 2017.)

In addition to the reasons specified in Section 48900, a student may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the student is enrolled determines that the student has:

Committed sexual harassment as defined in Section 212.5. For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to students enrolled in kindergarten and grades 1 to 3, inclusive. (EC 48900.2)

Caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233. (Applies to a student in any grades 4 to 12, inclusive) (EC 48900.3)

Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment. (Applies to a student in any of grades 4 to 12, inclusive) (EC 48900.4)

Made terroristic threats against school officials or school property, or both. For the purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family. (EC 48900.7)

Suspension Related to School Activity

A pupil may not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following: (EC 48900(s))

- (1) While on school grounds
- (2) While going to or coming from school
- (3) During the lunch period whether on or off the campus
- (4) During, or while going to or coming from, a school sponsored activity

A superintendent or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section. (EC 48900 (v)) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against any student who is truant, tardy, or otherwise absent from school activities. (EC 48900(w))

If an individual with exceptional needs is excluded from school bus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent or guardian provided that transportation is specified in the pupil's individualized education program. (EC 48915.5 (c))

Total Number of Days of Suspension

The total number of days for which a pupil may be suspended from school shall not exceed 20 schooldays in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of school days for which the pupil may be suspended shall not exceed 30 days in any school year.

(For the purposes of this section, a school district may count suspensions that occur while a pupil is enrolled in another school district toward the maximum number of days for which a pupil may be suspended in any school year. (EC 48903))

The principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for any of the reasons enumerated above in Section 48900, for no more than five consecutive school days. (EC 48911)

- (a) The principal of the school, the principal's designee, or the district superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in Section 48900, and pursuant to Section 48900.5, for no more than five consecutive schooldays.
- (b) Suspension by the principal, the principal's designee, or the district superintendent of schools shall be preceded by an informal conference conducted by the principal, the principal's designee, or the district superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the district superintendent of schools. At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her, and shall be given the opportunity to present his or her version and evidence in his or her defense.
- (c) A principal, the principal's designee, or the district superintendent of schools may suspend a pupil without affording the pupil an opportunity for a conference only if the principal, the principal's designee, or the district superintendent of schools determines that an emergency situation exists. "Emergency situation," as used in this article, means a situation determined by the principal, the principal's designee, or the district superintendent of schools to constitute a clear and present danger to the life, safety, or health of pupils or school personnel. If a pupil is suspended without a conference before suspension, both the parent and the pupil shall be notified of the pupil's right to a conference and the pupil's right to return to school for the purpose of a conference. The conference shall be held within two schooldays, unless the pupil waives this right or is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.

- (d) At the time of suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. If a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension.
- (e) A school employee shall report the suspension of the pupil, including the cause for the suspension, to the governing board of the school district or to the district superintendent of schools in accordance with the regulations of the governing board of the school district.
- (f) The parent or guardian of a pupil shall respond without delay to a request from school officials to attend a conference regarding his or her child's behavior.

No penalties shall be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

- (g) In a case where expulsion from a school or suspension for the balance of the semester from continuation school is being processed by the governing board of the school district, the district superintendent of schools or other person designated by the district superintendent of schools in writing may extend the suspension until the governing board of the school district has rendered a decision in the action. However, an extension may be granted only if the district superintendent of schools or the district superintendent's designee has determined, following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If the pupil is a foster child, as defined in Section 48853.5, the district superintendent of schools or the district superintendent's designee, including, but not limited to, the educational liaison for the school district, shall also invite the pupil's attorney and an appropriate representative of the county child welfare agency to participate in the meeting. If the pupil or the pupil's parent or guardian has requested a meeting to challenge the original suspension pursuant to Section 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of the suspension.
- (h) For purposes of this section, a "principal's designee" is one or more administrators at the schoolsite specifically designated by the principal, in writing, to assist with disciplinary procedures.

In the event that there is not an administrator in addition to the principal at the schoolsite, a certificated person at the schoolsite may be specifically designated by the principal, in writing, as a "principal's designee," to assist with disciplinary procedures. The principal may designate only one person at a time as the principal's primary designee for the school year.

An additional person meeting the requirements of this subdivision may be designated by the principal, in writing, to act for purposes of this article when both the principal

and the principal's primary designee are absent from the schoolsite. The name of the person, and the names of any person or persons designated as "principal's designee," shall be on file in the principal's office.

This section is not an exception to, nor does it place any limitation on, Section 48903.

(Amended by Stats. 2013, Ch. 76, Sec. 42. Effective January 1, 2014.)

Notification to Parents

At the time of suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. A school employee shall report the suspension of the pupil, including the cause therefor, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board. The parent or guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding his or her child's behavior.

No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference. *(EC 48911)*

9.3 SUSPENSION OF STUDENTS WITH DISABILITIES

Suspension of students with exceptional needs requires that the school administrators and IEP team members understand the limits of suspension of students with disabilities, requirements for IEP review following suspension, and alternatives to suspension.

Limits of Suspension of Students with Disabilities

As noted previously, the principal, principal's designee or the superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in Section 48900. An individual with exceptional needs may be suspended for up to, but not more than five consecutive school days. The student may be suspended for up to 10 days before an IEP team manifestation determination meeting is required. The student can be removed for more than 10 days for separate acts of misconduct, as long as the removals do not constitute a pattern. During any removal of more than ten days the school must provide services to the extent determined necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals on his or her IEP.

IEP Review Following Suspension

An IEP meeting is not required prior to suspending a student with a disability up to 10 days. However, it is recommended that the IEP team should meet to review a pupil's placement and program when the pupil is experiencing serious discipline problems leading to multiple suspensions. It is required that the IEP team conducts an IEP manifestation determination review when a pupil's suspensions total 10 days. The IEP team must determine how the student will receive FAPE on the 11th and any subsequent days of suspension. The team will also determine if additional assessment is needed, if the misconduct was caused by, or had a direct

and substantial relationship to the pupil's identified disability, and if the pupil is appropriately placed.

Alternatives to Suspension

A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section. (EC 48900 (v))

Whenever possible, teachers and administrators should implement interventions and consequences in response to a student's misbehavior that do not involve removing the student from his or her educational setting. Some suggestions for interventions prior to suspension include:

- Use of a classroom behavior management system that is positive, fair, consistent, and understood.
- Redirection of the student back to task
- Discussion with the student
- Discussion with the parent
- Loss of privilege or points
- Implementation of Tier 2 positive behavior interventions
- Detention (after school) with time for the teacher and student to review alternative ways the student could respond and behave in the classroom that would be more appropriate.
- Referral of student to school psychologist
- Adjustment of the student's classes and schedule
- If the student has an IEP, request to hold an IEP team meeting to:
 - ~ Describe the target (problem) behavior in observable and measurable terms on the IEP
 - ~ Develop IEP goals (and objectives if appropriate) to address target behavior
 - ~ Determine level of behavior intervention needed and document strategies (e.g. Positive Behavior Support Plan, Positive Behavior Intervention Plan)
 - ~ Identify supports and resources necessary to implement behavior interventions

9.4 EXPULSION

Mandatory Referral for Expulsion

- (a) (1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of

the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

- (A) Causing serious physical injury to another person, except in self- defense.
 - (B) Possession of any knife or other dangerous object of no reasonable use to the pupil.
 - (C) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:
 - (i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 - (ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
 - (D) Robbery or extortion.
 - (E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- (2) If the principal or the superintendent of schools makes a determination as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.
- (b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following:
 - (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
 - (c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.
 - (2) Brandishing a knife at another person.
 - (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
 - (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
 - (5) Possession of an explosive.
- (d) The governing board of a school district shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:
 - (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
 - (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
 - (3) Is not housed at the schoolsite attended by the pupil at the time of suspension.
 - (di) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:
 - (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

- (f) The governing board of a school district shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.
- (g) As used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
- (h) As used in this section, the term “explosive” means “destructive device” as described in Section 921 of Title 18 of the United States Code.

(Amended by Stats. 2012, Ch. 431, Sec. 3. Effective January 1, 2013.) 9.4 B. Expulsion of Students with Exceptional Needs

- (a) An individual with exceptional needs, as defined in Section 56026, may be suspended or expelled from school in accordance with Section 1415(k) of Title 20 of the United States Code, the discipline provisions contained in Sections 300.530 to 300.537, inclusive, of Title 34 of the Code of Federal Regulations, and other provisions of this part that do not conflict with federal laws and regulations.
- (b) A free appropriate public education for individuals with exceptional needs suspended or expelled from school shall be in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.530(d) of Title 34 of the Code of Federal Regulations.
- (c) If an individual with exceptional needs is excluded from schoolbus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent or guardian provided that transportation is specified in the pupil’s individualized education program.
- (d) If the individual with exceptional needs is a foster child, as defined in Section 48853.5, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare agency shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States

Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

- (e) If the individual with exceptional needs is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(Amended by Stats. 2014, Ch. 767, Sec. 1. Effective January 1, 2015.)

A free appropriate public education for individuals with exceptional needs suspended or expelled from school shall be in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.530(d) of Title 34 of the Code of Federal Regulations.

Readmission of an Expelled Student

- (a) The governing board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the governing board's determination as to whether the pupil has satisfactorily completed the rehabilitation program.
- (b) The governing board shall apply the criteria for suspending the enforcement of the expulsion order equally to all pupils, including individuals with exceptional needs as defined in Section 56026.
- (c) During the period of the suspension of the expulsion order, the pupil is deemed to be on probationary status.
- (d) The governing board may revoke the suspension of an expulsion order under this section if the pupil commits any of the acts enumerated in Section 48900 or violates any of the district's rules and regulations governing pupil conduct. When the governing board revokes the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order.
- (e) Upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.

(f) A decision of the governing board to suspend an expulsion order does not affect the time period and requirements for the filing of an appeal of the expulsion order with the county board of education required under Section 48919. Any appeal shall be filed within 30 days of the original vote of the governing board.

(Amended by Stats. 1995, Ch. 95, Sec. 1. Effective January 1, 1996.)

9.5 MANIFESTATION DETERMINATION FOR REMOVAL OF STUDENT WITH A DISABILITY

Guidelines regarding Removals

Below is a table consisting of various types of removals and whether or not a Manifestation Determination is required as a result of a change in placement.

Type of Removal	Change in Placement?	Manifestation Determination Required?
Short-term removal of <10 days	NO	NO
Short-term removals totaling >10 cumulative days and does NOT constitute a pattern	NO	NO
Series of short-term removals totaling >10 cumulative days AND constitutes a pattern	YES	YES
Long-term removals >10 consecutive days	YES	YES

Fagen, Friedman & Fulfroft, LLP (2007)

Students Served in Non-Public Schools or Regional Programs

Students with disabilities served in special day classes operated (a) by a certified nonpublic school or (b) by a regional provider such as the Los Angeles County Office of Education (LACOE) are subject to the same suspension and expulsion guidelines contained in this document and pertinent Board of Education policies of the student's district of residence.

The site principal of a contracting nonpublic, nonsectarian school providing services to individuals with exceptional needs under Sections 56365 and 56366, shall have the same duties and responsibilities with respect to the suspension of pupils with previously identified exceptional needs prescribed for the suspension of pupils under Section 48911. (EC48911.5)

The nonpublic school shall provide a written policy regarding suspension procedures, which includes a process for documenting actions that may lead to expulsion and a process for communicating with the district of residence. The nonpublic school shall provide the district of residence with copies of suspension, expulsion and behavior emergency reports within 24 hours of the disciplinary action.

9.6 MANIFESTATION DETERMINATION REVIEW

Manifestation Determination Reviews need to be conducted for students with a disability when a change of placement occurs because:

- (A) The student has 10 cumulative days of suspension AND the removal constitutes a change in placement – IEP team meets to determine if the offenses are related to the student’s disability and to see if they need to make changes in supports, services and/or placement to address the needs of the student. (34 CFR300.530(d)(4))
- (B) The student is suspended pending expulsion (34CFR300.530(d)(5))

Within 10 school days of any decision to change the placement of a child with a disability, because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the IEP team (as determined by the parent and the LEA) shall review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to determine:

- (1) if the conduct in question 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 the LEA’s failure to implement the IEP.

If the LEA, the parent, and relevant members of the IEP team determine that either of the above is applicable for the student, the conduct shall be determined to be a manifestation of the student’s disability.

Determination that Behavior is a Manifestation

In determining that the behavior is a manifestation of the student’s disability, the IEP team must:

- (1) Conduct a functional behavioral assessment and implement a behavioral intervention plan if LEA has not conducted such assessment.
- (2) In the situation where a behavioral intervention plan has been developed, review behavioral intervention plan and modify if necessary to address the behavior; and
- (3) Except under special circumstances, return the student to the previous placement unless the parent and the LEA agree to a change of placement.

Determination that Behavior is Not a Manifestation of the Disability

If the team determines that the behavior was not a manifestation of the disability:

- (1) Student must continue to receive services to enable him/her to participate in the general curriculum and to progress toward meeting the goals in the IEP.
- (2) If appropriate, receive a functional behavioral assessment, behavior intervention services and/or modifications that are designed to address the behavior so that it does not recur.

A written report of the “review” is provided to the parent at the IEP meeting. The following SELPA forms must be utilized in conducting a Manifestation Determination Review.

- Notice of IEP Team Meeting
- Notice of Procedural Safeguards
- Manifestation Determination Analysis Summary Sheet
- IEP Amendment
- IEP Notes Page

NOTE: The Manifestation Determination Analysis Summary Sheet can be found in the SEIS Document Library. There is a hard copy of the form in Appendix C.

9.7 45-DAY REMOVAL TO INTERIM ALTERNATIVE EDUCATION SETTING (IAES)

School personnel may remove a student to an interim alternative educational setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student’s disability, in cases where a student:

- (1) Carries or possesses a weapon to or at school, on school premises, or at a school function under the jurisdiction of the LEA.
- (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the LEA; or
- (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at school function under the jurisdiction of a State or LEA.

The IAES shall be determined by the IEP Team. **Definition of *Serious Bodily Injury***

Serious bodily injury means bodily injury which involves:

- (1) A substantial risk of death
- (2) Extreme physical pain
- (3) Protracted and obvious disfigurement; or
- (4) Protracted loss or impairment of the function of a bodily member, organ, or mental faculty. (18-U.S.C. 1365(h)(3))

Services during 45-Day Placement

A student who is removed from current placement to 45-day placement must:

- (1) Student must continue to receive services to enable him/her to participate in the general curriculum and to progress toward meeting the goals in the IEP.
- (2) Receive, as appropriate, a functional behavioral assessment, behavior intervention services and/or modifications that are designed to address the behavior so that it does not recur.

NOTE: See Appendix D for information regarding the Southwest SELPA 45-day placement

9.8 DISCIPLINARY APPEAL PROCESS

If the parent disagrees with any decision regarding placement or manifestation determination, they may request an expedited hearing. If the LEA believes that maintaining the current placement could substantially result in injury to the child or others, the LEA may request an expedited hearing.

9.9 PLACEMENT DURING APPEAL PROCESS

When an appeal has been requested by either the parent or the LEA:

The student shall remain in the interim alternative educational setting (IAES) pending the decision of the administrative law judge (ALJ) until the expiration of the 45-day placement provided whichever occurs first, unless the State or LEA agree otherwise.

9.10 EXPEDITED HEARING

The State or LEA shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.

9.11 AUTHORITY OF ADMINISTRATIVE LAW JUDGE (ALJ)

The ALJ shall hear, and make determination regarding an appeal request. In making the determination, the ALJ may order a change in placement of a student with a disability. In such situations, the ALJ may:

- (1) Return the student to the placement from which the he/she was removed;
- (2) Order a change in placement of the student to an appropriate interim alternative educational setting for not more than 45 days, if the current placement of the student is substantially likely to result in injury to self or others.

9.12 PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided under IDEA if the LEA had knowledge that the student had a disability before the behavior that precipitated the disciplinary action occurred.

Basis of Knowledge

A LEA shall be deemed to have knowledge that a child is a child with a disability if, before the behavior precipitated the disciplinary action occurred:

- (1) The parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate LEA, or a teacher of the child, that the child is in need of special education and related services.
- (2) The parent of the child has requested an evaluation of the child.
- (3) The teacher of the child, or other personnel of the LEA, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency.

Exception

An LEA shall not have been deemed to have knowledge that the child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services if the child has been evaluated and it was determined that the child was not a child with a disability.

Conditions that apply if no Basis of Knowledge

- (1) If a LEA does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities, who engage in comparable behaviors.
- (2) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the LEA and information provided by the parents, the LEA shall provide special education and related services. Pending the results, the child shall remain in the educational placement determined by school authorities.

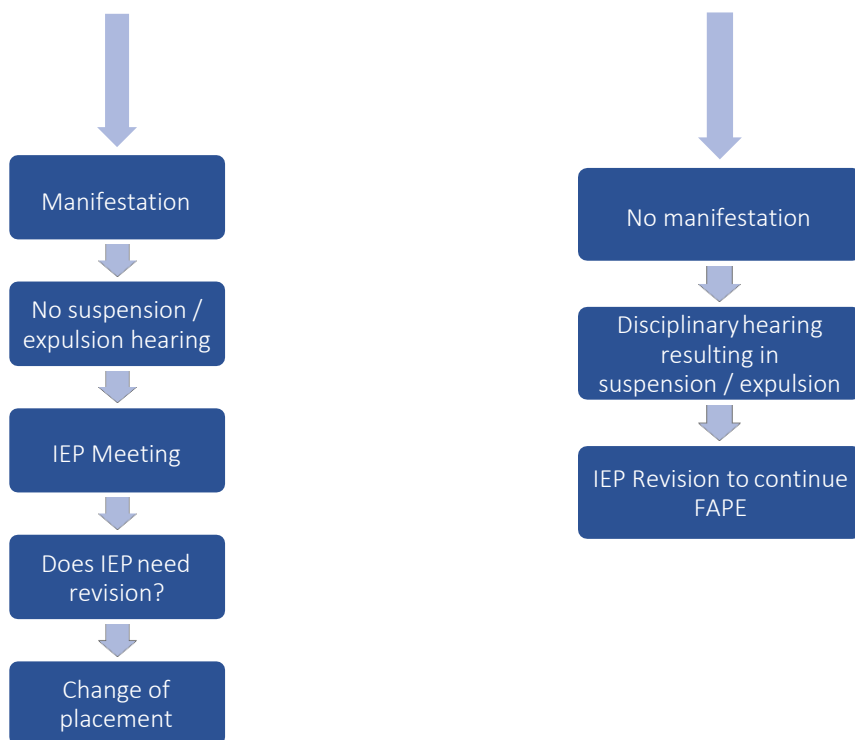
Appendix A Disciplinary Steps Flow Chart

Disciplinary Steps

(More than 10 school days of removal from current placement in a school year when a change of placement occurs)

IEP Team Meeting

1. Functional behavioral assessment / review behavior plan
2. Provide parents notice of rights
3. Manifestation issue



Appendix B Special Education Removals for Disciplinary Purposes

	Less Than 10 Days	More than 10 Cumulative Days No Change in Placement	More Than 10 Cumulative Days Change in Placement	More Than 10 Consecutive Days	
	Disciplinary Action: Disabled student may be disciplined in the same manner as the non-disabled student. 34 CFR				

Southwest Special Education Local Plan Area (SELPA)
MANIFESTATION DETERMINATION

Page 1

Student Name _____ Date of Birth ____/____/____ IEP Date ____/____/____
Manifestation Date ____/____/____

District of Residence _____ School _____ Grade _____
Teacher _____ SSID _____ Gender ☐ M ☐ F

Parent / Guardian _____ Home Phone _____
Home Address _____ Work Phone _____
City _____ Cell Phone _____
State, Zip _____ Email _____

Is the Student an English Learner? ☐ Yes ☐ No Primary Language _____
Date of Current IEP ____/____/____ Date of Last Assessment ____/____/____

Primary Disability _____ Secondary Disability _____

Current Educational Setting(s) _____

Description of behavior/actions of student resulting in this analysis: _____

Disciplinary Action taken / proposed _____ Date of decision of disciplinary action ____/____/____

In determining whether the student's behavior was a manifestation of his/her disability, the manifestation determination team considered the following in relation to the behavior subject to discipline (check applicable items)

- ☐ Teacher observations of the student List: _____
☐ The Student's IEP Describe: _____
☐ Other relevant information supplied by the parents of the student List: _____
☐ Other List: _____

The Manifestation Determination team determined that, in relation to the behavior subject to the disciplinary actions

The conduct in question was caused by or had a direct and substantial relationship to the disability. ☐ Yes ☐ No

Comments _____

Or...

The conduct in question was the direct result of a failure to implement the IEP. ☐ Yes ☐ No

Comments _____

Southwest Special Education Local Plan Area (SELPA)
MANIFESTATION DETERMINATION

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The Manifestation Determination team decided that the student's behavior

☐ was a manifestation of his/her disability. (Requires a **yes** on any 1 of the above 2 items)

Discipline proceeding(s) may not occur at this time.

☐ Functional behavior assessment to be conducted (unless already conducted) and behavior plan to be implemented, or

☐ If a behavioral intervention plan has been developed, plan will be reviewed and modified as necessary

Comments _____

☐ was not a manifestation of his/her disability. (Requires a **no** on both of the above 2 items)

Proceed with disciplinary proceedings, all conditions have been met. (Behavior not a manifestation of student's disability, student understood impact and consequences of behavior, student could control behavior, and services and supports were correct at time of incident)

Comments _____

Parent ☐ agrees ☐ disagrees with the determination of the Manifestation Determination team.

Comments _____

Parent received copy of Procedural Safeguards (Parent Rights) ☐ Yes ☐ No

Date ____/____/____

SIGNATURES

☐ Parent ☐ Guardian ☐ Surrogate ☐ Adult Student

Date ____/____/____

Date ____/____/____

Parent Signature

Signature

Title

Date

_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____



SECTION 10

PUPIL RECORDS

Section 10 Pupil Records

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Section 10 Pupil Records

10.1 INTRODUCTION

Local Educational Agencies (LEAs) must establish policies and procedures that ensure the protection of parents' rights related to confidentiality of pupil records. Policies and procedures must be consistent with State and federal laws and regulations, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and corresponding California statutes and regulations, including sections 49060, et seq., of the California Education Code and sections 430, et seq., of Title 5 of the California Code of Regulations. Procedures should describe the required notice to parents, right to access pupil records, record keeping procedures, retention and destruction of pupil records, and requests for amendment of pupil records.

10.2 PARENT RIGHT TO ACCESS PUPIL RECORDS

Unless the disclosure of a particular category of pupil records is specifically exempted by statute, parents have the right to inspect and review all pupil records that relate to their child, including those that address the identification, assessment, and educational placement of the child and the provision of a free, appropriate public education, which are collected, maintained, or used by agency.

Each LEA shall permit parents access to records without unnecessary delay and, in no event, more than five (5) days after the request has been made either orally or in writing. This includes access to and confidentiality of public records including LEAs educating pupils with disabilities in State hospitals, developmental centers, and youth and adult facilities. The LEA may not charge a fee for retrieval of information. The agency may, however, charge a fee for copies of records, which are made for parents, if the fee reflects the actual cost of reproducing the records and does not prevent the parents from exercising their right to inspect and review these records. In order for the fee to be waived for the actual costs of copying the records, the LEA may require evidence to substantiate waiver of such a fee.

Definition of Access: Access means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record, or receipt of a copy of a record.

10.3 NOTICE TO PARENTS

Parents must be notified, in writing, of their rights to inspect and review the school records of their children. This must be done at the time of initial enrollment and annually thereafter. To the extent practicable, this notice should be in the home language of the pupil and should include information on policies, procedures, and rights related to record keeping including the Family Educational Rights and Privacy Act of 1974 (FERP A). The notice will contain the following specific information:

- The types of records and information contained therein.
- The position of the official responsible for the maintenance of each type of record.

- The location of the log or record required to be maintained.
- Criteria used by the district to define "school officials and employees" and in determining "legitimate educational interest."
- The policies of the district for reviewing and expunging records.
- The right of the parent to access pupil records.
- The procedures for challenging the content of pupil records.
- The cost, if any, charged to the parent for reproducing copies of records.
- The categories of information which the institution has designated as directory information.
- Any other rights stated in the California Education Code and the right to file a complaint with Department of Health, Education and Welfare (FERP A).
- Notice of all locations where copies of the policies and procedures regarding the General Education Provisions Act and confidential pupil records may be obtained.

The right to inspect and review also includes responses to reasonable requests for explanations and interpretations of the records and the right to have a representative of the parent inspect and review the records. (See provision regarding written parental releases.) (EC 49061,49063)

10.4 SAFEGUARDS

LEAs must protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.

Each LEA must maintain for public inspection a current list of names and positions of those employees who have access to personally identifiable information.

10.5 CONSENT TO RELEASE STUDENT RECORDS

- 1) Written consent must specify the records to be released, identify the party or class of parties to whom records may be released, state the purpose(s) of the disclosure and be signed and dated by the parent or eligible student.

NOTE: Refer to your school district's special education department for the Release of Information Form

- 2) The recipient of the records must be notified that the transmission of information to others without the written consent of the parent is prohibited; however, information may be shared with other persons within the educational institution obtaining access, as long as such persons have a legitimate interest in the information. Each LEA has the right to share information internally among its employees and contractors having a reasonable need for the information.

3) Whenever a pupil reaches the age of 18 years or is attending an institution of postsecondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the pupil shall thereafter only be required of, and accorded to, the pupil. (EC 49061, 49073, 49076)

10.6 LOG OF REQUESTS FOR INFORMATION

All requests of individuals or agencies with the exceptions of "other school officials" above and parents, must be recorded in a record or log of requests for information, except for directory information recipients. The log or record must be open to the inspection by a parent and the school officials or his designee responsible for the maintenance of pupil records and to other school officials with legitimate educational interests in the records, and to the Comptroller General of the United States, the Secretary of Health, Education and Welfare and administrative head of an educational agency as defined in PL 93-380, and state educational authorities as a means of auditing the operation of the system.

The log or record must contain the following information: the name of the requesting party and the legitimate interest of the party. The log should be kept with the student's educational records.

10.7 AMENDMENT OF RECORDS

If parents desire to challenge the content of pupil records, they must establish that one of the specific grounds set forth in the Education Code exists and provide a written request to correct or remove the information to the superintendent. If the superintendent declines to amend the pupil record in question, the parents may appeal this decision to the LEA's governing board.

Grounds for amendment include:

- Inaccurate information.
- Information is unsubstantiated personal conclusion or inference.
- Information is a conclusion or inference outside the observer's area of competence.
- Information is not based on personal observation.
- Misleading information.
- Information in violation of the privacy or other right of the pupil. (EC 49070)

10.8 RETENTION AND DESTRUCTION OF PUPIL RECORDS

No pupil records may be destroyed except pursuant to established District rules and regulations which must comply with the procedure for destruction of records contained in California Code of Regulations, Title 5, sections 16020 and following, or as provided in Education Code sections 49070 (b) and (c) relating to the destruction of records that have been successfully challenged as inaccurate or unsubstantiated.

Prior to destruction of special education records for students with disabilities, the LEA must first contact, or attempt to contact, the parent/guardian, to inform them that the records are no

longer needed and will be destroyed, unless the parent wants to keep them. (CFR 300.573)
Otherwise the LEA may proceed with destruction.

An agency may not destroy any educational record if there is an outstanding request to inspect or review them. Logs or records of access must be maintained as long as the educational record to which it pertains is maintained.

As documents are received by the records custodian at each site, he or she shall initial them to indicate the type of records involved. There are three types of records: mandatory permanent (MP), mandatory interim (MI), and permitted (P).

After records are classified, they must then be classified for destruction according to the time lines contained in Title 5.

Mandatory Permanent Records include:

- Legal name of pupil
- Date of birth
- Method of verification of date of birth
- Sex of pupil
- Place of birth
- Name and address of a parent of a minor pupil
- Address of minor pupil if different
- An annual verification of the name and address of the parent and residence of the pupil
- Entering and leaving date for each school year and for any summer session or other extra session
- Subjects taken during each year, half-year, summer session or quarter
- If marks or credits are given, the marks or number of credits toward graduation allowed for work taken
- Verification of, or exemption from, required immunizations
- Date of high school graduation or equivalent
- Evidence of pupil's disability and participation in special education program, if applicable

These mandatory permanent records must be forwarded to a requesting school, but the original or copy must be retained permanently. Mandatory Permanent Records that have been in inactive status for five years shall be microfilmed. (5CCR §§ 430, 432)

Mandatory Interim Records

Mandatory Interim Records are those records which schools are required to compile and maintain for stipulated periods of time and are then destroyed as per California statute or regulation. These records must be forwarded to all California schools and may be forwarded to other schools. Such records include:

- Access log
- Health records
- Participation in special education programs including required tests, case studies, authorizations and actions necessary to establish eligibility or discharge
- Language training records
- Progress slips and/or notices as required by Education Code Sections 49066 and 4906
- Parental restrictions regarding access to directory information or related stipulations
- Parent rejoinders to challenged records and to disciplinary action
- Parental authorizations or prohibitions of pupil participation in specific programs
- Results of standardized tests administered within the preceding three years (5CCR § 430, 432)

Permitted Records include:

- Objective counselor and/or teacher ratings
- Standardized test results older than three years
- Verified reports of relevant behavioral patterns
- All disciplinary notices
- Attendance records not covered in the California Code of Regulation, Title 5 section 400 (records related to ADA or to compulsory education) (5CCR §§ 430, 432)

Destruction Procedures

Destruction of Permitted Records

Permitted pupil records may be destroyed when their usefulness ceases. Notwithstanding the foregoing, special education-related permitted records should ordinarily be retained by an LEA for at least 10 years after the student ceases to be enrolled in the LEA and may be destroyed thereafter. (5CCR § 437)

Destruction of Mandatory Interim Records

Unless forwarded to another district, mandatory interim pupil records should be retained for at least two years after the student leaves the district or when their usefulness ceases. Destruction shall occur during the third school year following such classification. (5CCR § 437)

10.9 CONFIDENTIALITY OF PUPIL RECORDS

All individually identifiable information is confidential and covered by the rules of access. Essentially all information about the pupil is confidential and access is limited to those school employees with an "educational need to know" and the parent (or student over 18 years of age). Only the parent (or student over 18) may authorize the release of any information.



SECTION 11

LOCAL PLAN

Section 11 Local Plan

11.1 SOUTHWEST SELPA LOCAL PLAN FOR SPECIAL EDUCATION -----	11-1 - 11-34
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<i>APPENDIX B LOCAL PLAN APPROVALS -----</i>	<i>11-41</i>
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SOUTHWEST SELPA LOCAL PLAN

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Southwest Special Education
Local Plan Area

*LOCAL PLAN
FOR
SPECIAL EDUCATION*

2018

Southwest SELPA
10322 Condon Avenue
Lennox, CA 90304
310.680.5770

Revised July 2018

**SOUTHWEST SPECIAL EDUCATION LOCAL PLAN AREA
10322 CONDON AVENUE
LENNOX, CA 90304**

PHONE: (310) 680-5770 FAX: (310) 680-5771

EXECUTIVE SUMMARY

The Southwest SELPA via the Superintendents' Council has worked to address the requirements of Education Code 56200 to update required agreements and the SELPA Local Plan. Each document required to be approved by Local School Boards of Education, independent Charter Schools, the County Office of Education, and the State Board of Education is outlined below. Approval is required as a condition for ongoing funding and to assure administration necessary to provide special education and related services to pupils with disabilities. The charter school, deemed a public school, shall be represented on the Superintendents' Council by the Superintendent of the chartering district.

LOCAL PLAN

Per State Board of Education action, the Local Plan contains "assurances" consistent with State and Federal law. These "assurances" are now consistent throughout California and were approved by the SELPA in 2012. They are included in the appendix for reference, but do not require additional approval. In addition, the Local Plan outlines the governance structure of the SELPA that is defined as the Superintendents' Council of all member districts/LEA Charters with a weighted vote based on average daily attendance.

Additional sections reflect State priorities relating to early childhood education and charter schools. Our Local Plan was reviewed by the California Department of Education and approved as to contents addressing all requirements.

The Community Advisory Committee, consisting of parents of children with disabilities, has had an opportunity to review and provide input into the Local Plan.

ADMINISTRATIVE UNIT AGREEMENT

Each SELPA must designate an Administrative Unit for purposes of receiving and dispensing funds according to an allocation plan approved by the Superintendents' Council. The Lawndale Elementary School District is the current Administrative Unit. This agreement also defines the role of the SELPA Executive Director.

CHANGES TO THE LOCAL PLAN

Changes to the Local Plan are generally in the area of conformity to changes in the law and clarification of previous language. The section identifying the Administrative Unit Responsibilities was amended. In most cases, LACOE was removed as the Administrative Unit (AU)/Responsible Local Agency (RLA) and Lawndale Elementary School District (LESD) was inserted.

In addition, some processes were deleted if they were only items that a County Office could perform and replaced with a similar process that a district AU would perform instead. Changes were also made to the section on Members of the Southwest SELPA to reflect the current members as some charters have left and others have been added.

Members of the Southwest SELPA:

Centinela Valley Union High School District	Da Vinci Design Charter School
El Segundo Unified School District	Da Vinci Innovation Academy Charter
Hawthorne School District	Environmental Charter High School
Hermosa Beach City School District	Environmental Charter Middle School - Gardena
Inglewood Unified School District	Environmental Charter Middle School - Inglewood
Lawndale Elementary School District	Family First Charter School
Lennox School District	ICEF Inglewood Elementary
Los Angeles County Office of Education	ICEF Inglewood Middle School
Manhattan Beach Unified School District	Lennox Math Science and Technology Academy
Palos Verdes Peninsula Unified School District	Los Angeles International Charter High School
Redondo Beach Unified School District	New Opportunities Charter
Torrance Unified School District	New West Charter School
Wiseburn Unified School District	Opportunities for Learning High School–Capistrano
Animo City of Champions Charter High School	Wilder's Preparatory Academy Charter Elementary
Animo Inglewood Charter High School	Wilder's Preparatory Academy Charter Middle
Animo Leadership Charter High School	
Century Academy Charter	
Century Community Charter School	
Children of Promise Preparatory Academy	

Dr. Michael K. Jason, Ph.D.
Executive Director
Southwest SELPA

PREFACE

This Local Plan shall remain in effect until changes in State and/or Federal law occur, thus requiring an update, or until the Southwest SELPA elects to make locally determined changes, where appropriate, via the Governance structure of the SELPA.

Questions may be directed to the Southwest SELPA or to your local school district via the special education office. My thanks to the parents and professionals who provided input. Their ideas and suggestions were valuable. Special thanks to the communities of the Southwest SELPA for your support of public education and special education services.

Dr. Michael K. Jason, Ph.D.

SELPA Executive Director

www.swselpa.org

SECTION I: CERTIFICATIONS AND ASSURANCES

CERTIFICATION OF BOARD APPROVAL DATES

District:

Centinela Valley Union High School District
 El Segundo Unified School District
 Hawthorne School District
 Hermosa Beach City School District
 Inglewood Unified School District
 Lawndale Elementary School District
 Lennox School District
 Manhattan Beach Unified School District
 Palos Verdes Peninsula Unified School District
 Redondo Beach Unified School District
 Torrance Unified School District
 Wiseburn Unified School District

Date of Board Approval:

Charter School: (Functioning as an LEA for purposes of special education.)

Animo City of Champions Charter High School
 Animo Inglewood Charter High School
 Animo Leadership Charter High School
 Century Academy Charter
 Century Community Charter School
 Children of Promise Preparatory Academy Charter School
 Da Vinci Design Charter School
 Da Vinci Innovation Academy Charter
 Environmental Charter High School
 Environmental Charter Middle School - Gardena
 Environmental Charter Middle School - Inglewood
 Family First Charter School
 ICEF Inglewood Elementary
 ICEF Inglewood Middle School
 Lennox Math Science and Technology Academy
 Los Angeles International Charter High School
 New Opportunities Charter
 New West Charter School
 Opportunities for Learning High School (IS) - Capistrano
 Wilder's Preparatory Academy Charter Elementary School
 Wilder's Preparatory Academy Charter Middle School

Member Participants:

Centinela Valley Union High School District
 El Segundo Unified School District
 Hawthorne School District
 Hermosa Beach City School District

Inglewood Unified School District
 Lawndale Elementary School District
 Lennox School District
 Los Angeles County Office of Education (LACOE)
 Manhattan Beach Unified School District
 Palos Verdes Peninsula Unified School District
 Redondo Beach Unified School District
 Torrance Unified School District
 Wiseburn Unified School District
 Animo City of Champions Charter High School
 Animo Inglewood Charter High School
 Animo Leadership Charter High School
 Century Academy Charter
 Century Community Charter School
 Children of Promise Preparatory Academy Charter School
 Da Vinci Design Charter School
 Da Vinci Innovation Academy Charter
 Environmental Charter High School
 Environmental Charter Middle School - Gardena
 Environmental Charter Middle School - Inglewood
 Family First Charter School
 ICEF Inglewood Elementary
 ICEF Inglewood Middle School
 Lennox Math Science and Technology Academy
 Los Angeles International Charter High School
 New Opportunities Charter
 New West Charter School
 Opportunities for Learning High School (IS) - Capistrano
 Wilder's Preparatory Academy Charter Elementary School
 Wilder's Preparatory Academy Charter Middle School

Local Plan Writing and Editing Committee 2016:

Dr. Michael K. Jason, Executive Director - Southwest SELPA
 Dr. Helen Morgan, Superintendent – Hawthorne School District
 Dr. Ellen Dougherty, Superintendent - Lawndale Elementary School District
 Mari-Anne Kehler, Chair - Community Advisory Committee
 Shermella Roquemore, Assistant Director/Charter School Representative/Designee - Southwest SELPA
 Patricia Jordan, General Ed./Special Ed. Representative - Hawthorne School District
 John Vinke, Deputy Superintendent - Lawndale Elementary School District

California Department of Education
Form SED-LP-1 (Revised 3/2016)

Special Education Division

Certification of Participation, Compatibility, and Compliance Assurances

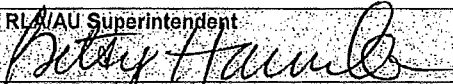
1. Designate the Special Education Local Plan Area (SELPA) Option

☒ Single District			☐ Multiple District			☐ District/County		
SELPA Code 1907		SELPA Name Southwest SELPA				Application Date 10/09/17		
SELPA Address 10322 Condon Avenue				SELPA City Lennox		SELPA Zip Code 90304		
SELPA Director Name (Print) Michael K. Jason				Director Telephone Number (310) 680-5770 x 5804		Director E-mail michael_jason@swselpa.org		

2. Certification of Assurances by the Designated Administrative and Fiscal Agency for this Program (Responsible Local Agency/Administrative Unit [RLA/AU])

Designated RLA/AU Name Lawndale Elementary School District		
RLA/AU Address 4161 W. 147 th Street		RLA/AU City Lawndale
		RLA/AU Zip Code 90260
Name of RLA/AU Superintendent Betsy Hamilton		Superintendent Phone Number (310) 973-1300 x 50001
		Superintendent E-mail betsy_hamilton@lawndalesd.net
Date of Governing Board Approval 05/19/16		

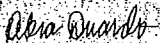
I certify that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 United States Code (U.S.C.) 1400 et seq, and implementing regulations under 34 Code of Federal Regulations Parts 300 and 303, 29 U.S.C. 705 (20) and 794-794b, the Federal Rehabilitation Act of 1973 as amended, the provisions of the California Education Code (EC) Part 30, and Chapter 3 Division 1 of Title V of the California Code of Regulations.

Signature of RLA/AU Superintendent 	Date 11/8/17
---	-----------------

3. Certification of Compatibility by the County Superintendent of Schools

Name of County Office of Education (COE) Los Angeles County Office of Education		
COE Address 9300 Imperial Hwy,		COE City Downey
		COE Zip Code 90242
Name of COE Superintendent Debra Duardo		Superintendent Phone Number (562) 922-6127
		Superintendent E-mail duardo_debra@lacoee.edu

Pursuant to EC Section 56140, I certify that this plan ensures that all individuals with exceptional needs residing within the county, including those enrolled in alternative education programs, including but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by the county office of education, and juvenile court schools, will have access to appropriate special education programs and related services.

Signature of County Superintendent or Authorized Representative 	Date 11/09/17
--	------------------

4. Certification of the Community Advisory Committee

(Complete Form SED-LP-2)

For Department of Education Use Only		
Recommendation/Approval by the Superintendent of Public Instruction		
Date	By	Approval Date

**Certification of Participation, Compatibility,
and Compliance Assurances**

Community Advisory Committee Certification		
CAC Compliance Verification	Yes	No
The Community Advisory Committee (CAC) has advised the policy and administrative agency during the development of the Local Plan pursuant to California <i>Education Code (EC)</i> Section 56194.	/	
To ensure adequate and effective participation and communication pursuant to <i>EC</i> 56195.9, parent members of the CAC, or parents selected by the CAC, participated in the development and update of the Local Plan for special education.	/	
The plan has been reviewed by the CAC, and the committee had at least 30 days to conduct this review, prior to submission of the Local Plan to the Superintendent pursuant to <i>EC</i> 56205(b)(6).	/	
The CAC has reviewed any revisions made to the Local Plan as a result of recommendations or requirements from the California Department of Education.	/	
Certifying Signature		
Name of Chairperson (print)	Phone ()	
Mari- Jane Kehler		
Signature of CAC Chairperson	Date	
	10/10/17	

If you checked [☒] "No" for any of the above certifications, you may submit specific information, in writing, as to why you did not certify that the special education local plan area (SELPA) met the requirement. (Attach a separate sheet, if necessary.) The Department will take this into consideration in its review of this Local Plan application.

SECTION II: GOVERNANCE STRUCTURE

Description of Southwest Area (SELPA) Administrative Structure

The administrative organization of the Southwest Special Education Local Plan Area incorporates the management staffs from all local educational agency (LEA) members (including school districts and charter schools operating as LEAs) and the County Office of Education into the supervision of all special education programs and the coordination of regionalized services in the Local Plan area. This incorporation is to ensure all individuals with exceptional needs residing in the geographic area served by the SELPA have access to the special education and related services required by the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et. seq., and implementing state law and regulation (Education Code, § 56000 et seq., 5 C.C.R. § 3000 et seq.; Part 300, Title 34, Code of Federal Regulations). The respective governing boards, superintendents, directors of special education, charter school administrators and directors, and Community Advisory Committee provide support and input to the SELPA's governance body. The SELPA is governed by a Superintendents' Council, who is charged with developing and monitoring implementation of this Comprehensive Plan for Special Education (Local Plan) on behalf of their districts and all of the charter schools they authorize, pursuant to agreements therewith.

a. LEA Members

The SELPA shall be governed by a Superintendents' Council made up of the lead administrator from each school district LEA Member and one representative from each State Board of Education ("SBE") authorized Charter School LEA. Per agreements between the authorizing LEA and charter school LEA members, all charter school LEAs that are not authorized by the State Board of Education ("SBE") will be represented on the Superintendents' Council by the Superintendent (Lead Administrator) of their authorizing school district.

Each participating LEA shall adopt local policies and administrative regulations to support the Local Plan and its implementation, including by way of ensuring compliance with the IDEA and Education Code requirements for identifying and serving individuals with exceptional needs in compliance with specified procedures. LEAs are responsible for developing, adopting and updating their local policies and administrative regulations per their own procedures.

Each participating LEA will be represented on the Superintendents' Council, as specified herein. The LEA's lead administrator (Superintendent) may designate another LEA representative to act as a voting member of the Superintendents' Council for up to two meetings per school year, July 1 through June 30. All other meetings must be attended by the lead administrator.

Each participating LEA maintains responsibility for special education programs and services they operate, including employment and evaluation of personnel, except where noted.

Each participating LEA shall appoint members and alternates to the Community Advisory Committee according to policies approved in the SELPA Local Plan for Special Education.

Each participating LEA shall adopt policies and procedures as required by law relative to Due Process Procedures and Procedural Safeguards under the IDEA. EC 56500-56507

Each participating LEA shall adopt policies and procedures as required by law relative State Complaint Procedures. EC 56500.2

Each participating LEA shall post Budget Hearing notices at each school site at least fifteen days in advance of the Public Hearing regarding the same.

b. Administrative Unit (AU)

The Lawndale Elementary School District is the Administrative Unit (AU) also known as the Responsible Local Agency (RLA), pursuant to EC 56195.1. As the RLA, Lawndale Elementary School District shall:

1. Approve contractual agreements for the Southwest Special Education Local Plan Area which meets the requirements of EC 56200.
2. Serve as the employing agency for personnel who have responsibilities throughout the Local Plan Area. Such personnel will include but not be limited to the SELPA Executive Director and classified support staff. Employment of such personnel will be in accordance with personnel policies and practices of the Lawndale Elementary School District and procedural employment policies approved by the Superintendents' Council.
3. Approve SELPA policies which affect Lawndale's role as Administrative Unit.
4. Receive and distribute Federal, State, and local funds as determined by the Superintendents' Council and the Local Plan.
5. Provide suitable office space for both certificated and classified employees of the SELPA.
6. Receive and maintain accountability for the use of Regionalized Service funds appropriated to the Special Education Local Plan Area.
7. Establish appropriate record keeping procedures to be followed by each Local Education Agency for purposes of maintaining accurate fiscal and accounting records in accordance with State and Federal requirements and submit required reports to the appropriate authorities.
8. Provide technical support for the Management Information System necessary to comply with the requirements of the State Department of Education.
9. Assign appropriate, necessary staff to participate in the activities including, but not limited to, the Southwest Special Education Directors' Council and subcommittees as may be required.

The SELPA's annual budget plan shall be approved by the Superintendents' Council at a meeting following a public hearing. A 15-day notification of the date of the public hearing shall be posted at the SELPA office and the main office of each LEA member. In conjunction with adopting the annual budget plan, the Superintendents' Council shall also determine

the local method used to distribute state and federal funds among the member LEAs pursuant to the policy making process described in this Local Plan.

c. Resolution/Mediation Procedures for Disagreements Regarding the Local Plan Among LEA Members

All LEA members and the County Board must approve the local plan for submission to the State. If any LEA member fails to approve the local plan, the board of that LEA, or its designee, shall notify all other participating LEAs of the reasons for not approving the plan and request a hearing. The County Superintendent of Schools or designee will conduct a hearing on the merits of the local board's objections within 30 days and recommend a resolution. The County Superintendent may attempt to negotiate a resolution if the disagreement is not resolved through their recommendation following the hearing. If agreement to the Local Plan cannot be reached through the hearing process, the County Superintendent shall convene a three-person panel, to include: (1) one person selected by the district objecting to the plan, (2) one person selected by the districts agreeing to the plan, (3) one person selected by mutual agreement of the other two appointees. The Panel should be convened within 5 business days, and the decision of the panel will be binding for all parties involved in the dispute and no further complaints brought to the panel may be made.

The County Board shall approve local written agreements regarding coordinated identification, referral, and placement systems, procedural safeguards, regionalized services to local programs (e.g. program specialist, personnel development, evaluation, data collection and management, curriculum development), coordinating and providing services to individuals with exceptional needs placed in hospitals, licensed children's institutions, and foster family homes, and juvenile court schools or county community schools if a simple majority of local board have approved the agreements. If a vote results in a 50/50 split, the action of the County Board shall be decisive. If the written agreement is not approved, the agreement shall be revised within two weeks in accord with instructions from the County Board and resubmitted to all participating district. This process shall be repeated until agreement is reached by a simple majority.

d. Process For Becoming an LEA Member the Southwest SELPA

In order to become an LEA member of Southwest SELPA, the applicant must submit a completed LEA application form, including the name of LEA/charter, contact person, address, phone, fax, and email, total enrollment (actual or projected), plan for delivery of special education services, and special education specific background information (policies, procedures, documentation, applications) no later than January 1 for membership starting in the following fiscal year, on July 1.

Applications received after January 1 shall be considered for membership in the second fiscal year following the application's receipt, unless the Superintendents' Council agrees via a 60% majority vote of votes cast.

The Superintendents' Council shall review the application and decide whether to admit the applicant, and on what conditions. For example, any new member may be required to join a Joint Power Agreement for purposes of membership and funding per action of the Superintendents' Council in admitting that member. As necessary and appropriate, the

Superintendents' Council and/or their designee may request additional information, including a face-to-face meeting with the applicant.

The SELPA Office shall also conduct a review of the applicant's educational program and special education capacity, to include any previous compliance reviews of the same. The SELPA's review will focus on the willingness and ability of the applicant to discharge LEA obligations and resolve any non-compliance. The SELPA shall prepare a report to the Superintendents' Council as part of the decision making process.

A final decision shall be made by the Superintendents' Council regarding membership and the projected start date. The Superintendents' Council may elect to approve, conditionally approve, or deny any request for membership. Conditional approvals should be used when an applicant appears able to operate as an LEA, but has not yet demonstrated the capacity or expertise to do so. Priority for approval shall be given to requests where applicant's programmatic offerings are compatible with the SELPA Local Plan and fiscal issues are revenue neutral.

In addition to any conditions on membership set by the Superintendents' Council in granting the application, each applicant certifies in applying for membership that they:

- Agree with and will implement all sections of the Local Plan following approval by their governance body.
- Agree with all approved actions of the of SELPA Superintendents' Council as contained in approved Superintendents' Council minutes.
- Agree each LEA member maintains responsibility for all aspects of providing special education and related services, including the contracting and cost of any nonpublic school or agency, attorney representation as part of mediation, due process/or complaint processing, and all other costs associated with the provision of special education and related services.
- Agree to participate in the Special Education Information System (SEIS) system by providing hardware and staff consistent with required specifications.
- Agree to all sections of the SELPA Participation Agreement and to gain approval of the same from their governance body.

Approval for membership into the SELPA shall be by a majority vote of the voting members of the Superintendents' Council. Anytime an applicant is admitted to the SELPA, its governance body must agree to and approve the provisions of the current SELPA Local Plan, including policies, procedures, and conditions approved by the SELPA Superintendents' Council. In addition, the member must adopt local policies and administrative regulations or procedures sufficient to support the Local Plan and in compliance with state or federal review. The adoption of the current Local Plan and Participation Agreement by the new member shall not require reauthorization of the Local Plan by all existing members.

Upon approval by the applicant's governance body, the new LEA's membership shall be indicated via the addition of the new member's name on the Local Plan and

Participation Agreement without new approvals by other members. Failure to comply with the criteria listed above shall result in either rescinding of the approval or the withholding of any funding allocations or portions of allocation until compliance of those items is completed, in the SELPA Director's sole discretion.

e. Superintendents & Charter School Lead Administrator

The superintendent or lead administrator of each participating LEA shall continue to be responsible to their governing bodies for the administration of programs located within their LEAs, and compliance with this Local Plan. This includes informing their governing bodies of all aspects of the SELPA Local Plan for Special Education, recommending policies to their governance bodies for adoption addressing legal requirements and issues of concern to the member agencies of the SELPA, and implementing and administering policies recommended by the Superintendents' Council and adopted by the governing body of the LEA.

The lead administrator of each participating LEA member shall be responsible for:

- a) The administration of all special education programs under the jurisdiction of their governing board.
- b) The submission of proposed policies by the Superintendents' Council to their governing boards with appropriate recommendations.
- c) The implementation of policies and procedures adopted by the SELPA.
- d) Ongoing collaboration with the SELPA Executive Director and various SELPA Councils and committees necessary to implement the Local Plan.

The Superintendents' Council shall meet quarterly at a minimum, or as needed, throughout the school year relative to their districts and charter schools needs, as appropriate.

f. Superintendents' Council

The Superintendents' Council shall consist of the lead administrator of each school district LEA member or a designee thereof (for up to two meetings), and the lead administrator of each SBE authorized charter school LEA member. A designee may be a voting member for two meetings per school year only, July 1 through June 30. Any State Board of Education authorized Charter which is assigned by the SBE to the SELPA shall designate a ranking administrator comparable to the authority of a Superintendent.

Each school district LEA member shall have a weighted vote on the Superintendents' Council, based upon average daily attendance of the member (ADA) and all of the charter schools operating under that member's oversight, as follows:

- 0 – 1099 ADA = 1 vote
- 1,100 – 3,099 ADA = 2 votes
- 3,100 – 6,499 ADA = 3 votes
- 6,500 – 9,999 ADA = 4 votes
- 10,000 – above ADA = 5 votes

The authorizing LEA shall then represent the interest of the charter schools it oversees when voting on the Superintendents' Council of the SELPA. This is to include the charter schools operating as an LEA member of the SELPA and charter schools operating as a school of the district LEA member.

The annual ADA, as certified by California Department of Education (CDE), shall be used to determine the following year's voting system and thus updates the above formula annually. In the event the annual ADA has not been certified by the CDE, the previous year's annual certified ADA shall be used until the next annual certified ADA report is available. A majority, as defined as more than half of members, is required for a quorum.

The Superintendents' Council shall elect a Chairperson from among its members for a term of two years. The Chairperson shall call and chair meetings and provide agenda items to the SELPA Executive Director. The Chairperson may be elected for more than one term. Once the Local Plan is approved by the governing board of each LEA member, the Superintendents' Council shall serve as the governing board of the SELPA with all actions taken by the Council serving as the official position of the SELPA and all of its member LEAs. The Superintendents' Council shall have the authority to approve the Annual Budget and Service Plan at a special Public Hearing and meeting held by the Council.

The Superintendents' Council shall act in an advisory capacity to the governing bodies of participating LEAs. The Superintendents' Council shall provide input and guidance on SELPA policies and procedures for programs operating under the jurisdiction of the SELPA. The lead administrator of each LEA shall submit SELPA policies and accompanying recommendations to their governing bodies as appropriate and necessary to comply with this Local Plan. The Superintendents' Council shall review and recommend an agreement to the governing bodies of the SELPA's LEA members, which reflect the components of the Local Plan.

The Superintendents' Council may appoint committees, as appropriate to address issues that arise and report back and/or make recommendations to the Council. Such committees may include a Charter School committee, a Finance committee, and a Membership committee. Annually the Superintendents' Council shall approve any committees, appoint membership, and assign specific tasks as appropriate. Unless appointed by the Superintendents' Council, each committee may select a chairperson from the committee membership to chair the meetings and to communicate with the Council. The SELPA Executive Director shall be a non-voting member of each committee providing support, technical assistance, and information while also involved in communication with the Council. It is understood that the SELPA Executive Director is responsible for developing any recommendations for the Superintendents' Council to assure compliance with state and federal laws.

The Superintendents' Council shall approve the Annual Budget and Service Plan, including any allocation plans for distribution of funds.

The Superintendents' Council shall communicate directly with the SELPA Executive Director on SELPA-wide activities, as appropriate, and provide input into the evaluation of the SELPA Executive Director. The SELPA Executive Director shall serve as secretary to the Superintendents' Council.

g. SELPA Executive Director and SELPA Support Staff

A SELPA Executive Director shall be employed by the Responsible Local Agency (RLA) or, as approved by the Superintendents' Council in agreement with the RLA, employment may be with a member LEA.

A panel selected by the Superintendents' Council shall recommend a final candidate for SELPA Executive Director to the Superintendents' Council from a list of candidates who have been screened by the AU or a member LEA personnel office and meet the qualifications and requirements of the position.

The SELPA Executive Director shall be evaluated annually by the RLA or employer with input from the Chair of the Superintendents' Council for continued assignment in the position. The Chair of the Superintendents' Council may submit input from members of the Superintendents' Council.

The administrative support staff is the responsibility of the RLA or employing district, or combination of both, as approved in accordance with their respective personnel practices. Per agreement with member LEAs, additional SELPA staff may be employed to support specific functions as directed by the SELPA Executive Director, for example an Assistant Director, a Family Resource Center Coordinator, a Director of Evaluation and Research, a Parent Support Coordinator, Program Specialists, and an Alternative Dispute Resolution Coordinator.

The SELPA Executive Director shall act as secretary to the Superintendents' Council, prepare agendas for its meetings, record, and submit minutes of its meetings for approval.

At the direction of the Superintendents' Council, the SELPA Executive Director shall develop an annual schedule of meetings of the Directors of Special Education.* The purpose of these meetings shall be to accomplish tasks identified by the Superintendents' Council and Local Plan to assure orderly and consistent implementation of policies affecting the SELPA.

*Note: The term Directors shall be used throughout the Local Plan to signify persons responsible for special education programs in each district, charter, or the County Office.

The SELPA Executive Director shall be an ad hoc member to all SELPA-wide committees and serve as the liaison between the Superintendents' Council, Directors of Special Education, The Finance Committee, the Community Advisory Committee, and any other committee established by the Council. The SELPA Executive Director will share approved copies of the minutes and/or report on activities as appropriate.

The SELPA Executive Director shall act as coordinator for the SELPA-wide special education compliance monitoring reviews conducted/implemented by the California Department of Education (CDE).

The SELPA Executive Director shall act as liaison with the California Children's Services, Regional Centers, and any other agency in accordance with adopted interagency agreements.

The SELPA Executive Director shall maintain awareness of all Office of Civil Rights (OCR), due process, and complaint findings involving member LEAs. The SELPA Executive Director shall share these findings, as appropriate, and if they have SELPA-wide implications, coordinate any necessary changes at the SELPA level. The SELPA Executive Director shall support alternative ways to resolve disputes as a proactive approach prior to state and federal procedures.

The SELPA Executive Director shall be responsible for the implementation of programs and services that promote positive parent and professional partnerships and parent support systems. This may include parent support systems, the Family Resource Center, a website and community outreach activities.

The SELPA Executive Director shall provide support and technical assistance to member LEA charter schools regarding charter schools' participation in the SELPA via the Charter School Committee and the SELPA Charter School support representative/designee. It is understood that Charter Schools shall participate in the SELPA and have access to all SELPA programs and services in the same manner as other member LEAs, as specified herein.

The SELPA Executive Director shall submit all required data to the County Office and/or State Department of Education.

The SELPA Executive Director shall coordinate meetings with nonpublic schools' personnel to determine educational costs and shall recommend a Master Contract and rate schedule for use by member LEAs.

The SELPA Executive Director shall participate in state and county level SELPA directors' meetings and share information, as appropriate, with Superintendents, Directors of Special Education, the CAC, the Program Specialists' Council, and the Finance Committee.

The SELPA Executive Director shall coordinate any local interagency agreements.

The SELPA Executive Director shall apply for and submit any waivers to the CDE necessary for the implementation of the Local Plan, and as directed by the Superintendents' Council.

The SELPA Executive Director shall coordinate all services for infants and toddlers in California's Early Start Program and shall administer the funding of this program and supervise any staff directly responsible for Early Start coordination.

The SELPA Executive Director shall sign all purchase orders for low incidence materials and equipment.

The SELPA Executive Director shall be responsible for processing all bills to member LEAs for program specialists and regionalized service funds, as approved by the Superintendents' Council and dictated in the Annual Budget and Service Plan for reimbursement by the AU.

The SELPA Executive Director may serve as line manager and supervisor of any LACOE staff assigned to the Southwest SELPA in an effort to improve communication and services, as approved by LACOE and the Superintendents' Council annually.

The SELPA Executive Director shall be responsible for the coordination of the SELPA-wide data system, and CASEMIS reports.

The SELPA Executive Director shall keep the member districts informed of current trends, best practices and innovation approaches via participation on advisory committees, conferences, and a review of the literature.

h. Directors of Special Education/Charter School Special Education Representatives

The Directors of Special Education shall to be employed by and responsible to the district, charter school, or County Office that employs them. The Directors of Special Education may not represent students as an advocate in another district within the SW SELPA unless the student is a resident of the district in which the director is employed.

Through the coordination of the SELPA Executive Director and the Directors of Special Education,* the SELPA shall establish committees and develop procedures necessary to implement policies, which affect the SELPA. The SELPA Executive Director may elect to jointly meet with all Directors or may hold meetings among different types of LEA members to address unique needs of the SELPA.

Through the coordination of the SELPA Executive Director, the Directors of Special Education* shall gather and compile all data required by the SELPA, the RLA, the State Department of Education, and the Federal Government. Upon occasion, the Directors may elect to hold joint meeting with the business managers of each district and the County office for matters relating to program improvement, funding and/or fiscal management.

Directors of Special Education* shall be responsible for:

- 1) Developing LEA policies and procedures necessary to implement policies which affect the SELPA, subject to the approval of the Superintendents' Council as needed.
- 2) Establishing committees to address ongoing concerns and needs of the SELPA including innovative approaches to addressing the needs of students based on research.
- 3) Gathering all data required by the SELPA, the County, the CDE and the Federal Government.
- 4) Coordinate and conduct district Special Education and/or any other Compliance review or corrective action, under the direction of the SELPA Executive Director.
- 5) Confer with and submit, to the SELPA Executive Director, copies of any Office of Civil Rights (OCR), CCR, due process, and/or other complaints and findings.
- 6) Implement, monitor, and ensure completion of corrective actions required by ruling of OCR, CDE, and the Office of Administrative Hearings (OAH), as required. Participate in SELPA Alternative Dispute Resolution procedures as appropriate. It is understood that during any due process proceedings the "stay put" provisions are in effect. EC 56505(d).
- 7) Appoint district liaison to California Children's Services, regional centers and other agencies, as required by the interagency agreements and memorandums of understanding. The Director shall be the liaison if no appointment has been made.
- 8) Ensure equal access to all programs, within the SELPA, for students with disabilities (SWD).
 - a) Acceptance of all SELPA IEP/IFSP forms and use of the Special Education Information System (SEIS) or SELPA approved system is necessary to complete CASEMIS and maintain compliance.

- b) Acceptance of students per SELPA placement agreements and/or Inter-SELPA permits.
 - c) Implementing local procedures regarding services to students with disabilities placed in private schools by their parents.
 - 9) Promote positive parent and professional collaboration via participation in SELPA activities and the CAC.
 - 10) Assure that required information is submitted to the SELPA Executive Director.
 - 11) Supervise the activities for staff development and coordinate at the SELPA level through the Program Specialist Committee, as appropriate.
 - 12) Establish and maintain appropriate committees as necessary to address key issues in special education.
- i. Participating LEA Responsibility
 - 1) Each participating LEA shall maintain the responsibility for providing the programs and services described in the Local Plan and Annual Budget and Service Plan.
 - 2) Changes in the Annual Budget and Service Plan shall be brought to the Directors' Council and/or the Charter School Committee for consideration and approval, prior to the Superintendents' Council's consideration of the same.
 - 3) Changes in district, regionalized, or delivery of services that impacts other members of the SELPA must be brought to the attention of the SELPA in writing one year in advance of such anticipated change. Final approval shall be made by the Superintendents' Council before the LEA member changes the program or delivery of service with SELPA-wide impact.
 - 4) Changes in special education regionalized programs, District of Service provider program facilities must be brought to the attention of the SELPA in writing one year in advance of such anticipated changes. Final approval shall be made by the Superintendents' Council.
 - ii. Selection Process for Administrative Unit (AU)/Responsible Local Agency

The Lawndale Elementary School District will assume the responsibilities for the RLA no later than August 2016 at the request of the Superintendents' Council. In the event that there is a need or reason to change the RLA, the Superintendents' Council shall provide written notification to the RLA at least one year in advance of such action. If the RLA wishes to be relieved of their responsibility as RLA for the SELPA, the RLA shall provide written notification to the Superintendents' Council at least one year in advance of such action.

RLA Responsibilities (Refer also to Participation Agreement)

The Lawndale Elementary School District shall perform the functions of the RLA in coordination with the SELPA Executive Director, as follows:

- 1) Receive and disburse regionalized service funds to include, but not be limited to, personnel development, evaluation, data collection, maintain a management information system, curriculum development, program review, interagency coordination and to monitor the appropriate use of federal, state and local funds allocated for special education.
- 2) Provide support to the SELPA Executive Director, Superintendents' Council, Finance Committee and Directors of Special Education, consistent with the expectations of the Superintendents' Council.
- 3) Provide assistance to the Directors of Special Education in the development of policies and procedures to assure procedural safeguards to individuals with exceptional needs and their parents.
- 4) Assist Member LEAs in meeting all aspects of the Local Education Assurance statement contained in the Local Plan, Section I.
- 5) Compile data and submit reports for the annual budget plan and other reports that may be required by the state.

k. Program Specialist

Upon the recommendation of the SELPA Executive Director, an allocation plan for use of Program Specialist funds shall be forwarded to the Superintendents' Council for approval.

It is understood that the mandated responsibilities of the program specialist shall be provided by the SELPA regardless of a member LEA's hiring of a program specialist. The SELPA Executive Director may recommend the employment of a SELPA level Program Specialist to assist a specific LEA member or address a specific program need of the SELPA. In the event an LEA member does not employ a program specialist, that member shall identify the person or persons responsible for these functions. The functions of a program specialist usually include staff development, teacher support and program/curriculum development for special education, collaboration, processing referrals and site level support. Funds may be allocated to any other special education expenditure if not used for program specialists.

On a regular basis, Program Specialists meet with the SELPA Executive Director/designee via the Program Specialists' Council to coordinate staff development and program specialist service throughout the SELPA. Plans and documentation are forwarded to the Directors' and Superintendents' Councils for approval. The Program Specialists' Council shall elect a Chairperson annually. The Program Specialists shall be responsible for training of new teachers and for trainings associated with IEP development and review. In the event a member LEA does not have a program representative to these meetings who fulfills the functions of a program specialist in that LEA.

l. Community Advisory Committee

- 1) The Local Plan required establishing a Community Advisory Committee. Such committee serves only in an advisory capacity. The CAC shall maintain written bylaws and minutes of meeting including a list of participants.

m. Community Advisory Committee Appointments

- 1) The members of the Community Advisory Committee shall be appointed by, and responsible to, the governing board of each participating LEA member or County Office, or any combination thereof participating in the Local Plan. Appointment shall be in accordance with a locally determined selection procedure with appointments determined by the Superintendents in the event no other local procedures exist. The CAC and/or the SELPA Executive Director may recommend potential appointees to Superintendents. Where appropriate, this procedure shall provide for selection of representatives of groups specified in Section 56192 by their peers. The procedure shall provide that terms of appointment are for two years with additional terms up to eight years maximum.
 - a) Each participating LEA within the Local Plan shall select two representatives from their respective area to participate on the CAC.
 - b) The Lawndale Elementary School District shall appoint one representative from public and/or private agencies, if available. All appointments shall be two-year terms. The CAC may submit a list of names for consideration.
 - c) Each LEA governing board shall fill vacancies created on the Community Advisory Committee from their respective LEA. Where appropriate, this procedure shall provide for selection of representatives of groups specified in Education Code Section 56192 by their peers.
 - d) The Directors' Council shall assist with the coordination of the CAC.
 - e) The SELPA Executive Director shall serve as the administrative liaison to the Community Advisory Committee.
- 2) Composition of CAC: The Community Advisory Committee shall be composed of parents of individuals with exceptional needs enrolled in school, students and adults with disabilities, regular education teachers, special education teachers and other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs. The committee shall select officers annually in accordance with the bylaws.

Parent Majority in CAC: At least the majority of such committee shall be composed of parents of pupils enrolled in schools participating in the local plan, and at least a majority of such parents shall be parents of individuals with exceptional needs.

3) Community Advisory Committee Responsibilities

The Community Advisory Committee shall have such authority and fulfill such responsibilities as are defined for it in the Local Plan. Such responsibilities shall include, but need not be limited to, all the following:

- a) Advising the policy and administrative entity of the LEA, special education local plan area, or County Office, regarding the development, amendment, and review of the Local Plan. Such entity shall review and consider comments from the Community Advisory Committee.
 - b) Recommending annual priorities to be addressed in the Local Plan by giving direct input to the Directors of Special Education.
 - c) Encouraging community involvement in the development and review of the Local Plan.
 - d) Supporting activities on behalf of individuals with exceptional needs through the involvement in community projects, forums and conference.
 - e) Educating the community regarding issues and public policy impacting special education.
 - f) Serving as the Advisory Board of the SELPA Family Resource Center recommending materials and programs for support.
 - g) Providing in-services and trainings on issues of importance relative to special education to parents, staff and other interested community members based on result of needs assessment.
 - h) Promoting the concept of Parent-Professional collaboration through participation and involvement of parents and professionals at CAC trainings, meeting, and events.
 - i) The CAC chairperson shall sign the certification page of the Local Plan signifying review and participation in the revision.
 - j) The CAC Chairperson shall be invited to participate on countywide CAC Chairpersons' Committee.
- n. List of Interagency Agreements/Memorandum of Understandings (EC 56220, Title 2, CAC 60030-60330(b), 1, 2, 3, Welfare and Institutional Code 5608. Government Code 7587)

California Children's Services Regional
Centers: Harbor and Westside Head
Start Agencies
Early Start

These interagency agreements shall be negotiated from time to time, and remain in effect until otherwise indicated in the agreements. The SELPA Executive Director shall determine the need for interagency agreements with these agencies, and has discretion to negotiate the same. Copies of all agreements and status of these agreements are on file in the SELPA Office.

- o. Other Administrative Functions

Refer to the Participation Agreements in the Appendix Section of this plan. Agreements include procedures for transportation, facilities, excess costs, food services and reporting to the State Department.

SECTION III: CHARTERSCHOOLS

Provision of Special Education Services to Students Voluntarily Enrolled in Charter Schools

This policy applies to all Charter Schools that are chartered by member districts of the Southwest SELPA or granted local educational agency status (LEA) in the Southwest SELPA. This policy also applies to any charter school granted by the State Board of Education (SBE), when oversight responsibilities have been assigned to an LEA within the SELPA [EC 47605.5 (k)(l)]. As students enrolled in charter schools are entitled to special education services on the same basis as all other public school students, charter schools must comply with all requirements of state and federal law regarding provision of special education services [EC 56000 et seq., Individuals with Disabilities Education Act (20 U.S.C. Chapter 33)]. Children with disabilities and their parents shall retain all rights under IDEA and implementing California law and regulation when enrolling in a charter school.

Policy Statement

Special education and related services shall be provided to all eligible individuals residing within the jurisdiction of the Southwest SELPA in accordance with this Local Plan, and SELPA Policies and Procedures. Students enrolled in charter schools operating as a school of member district or an LEA member of the SELPA shall receive services in a manner similar to other students attending other LEAs in the SELPA. The SELPA supports granting of a charter only when the petition includes a reasonably comprehensive description of the charter school's plan for special education, and assurances that special education instruction and/or services shall be provided to all eligible students with disabilities enrolled in charter school, in accordance with the SELPA Local Plan. Funding for special education services, participation in the SELPA governance structure and responsibility for provision of services shall be based on the categorization of the individual charter school in the charter, any local agreements, SELPA Policies and Procedures, and this Local Plan.

Charter schools may participate in the SELPA as either an LEA member of the SELPA or a public school of their authorizing agency when the authorizer is a member of the SELPA. All approved charter schools will be deemed public schools within their authorizing agency unless the Charter School provides verifiable written assurances that it has applied for and been accepted as an LEA member of the Southwest SELPA or some other SELPA. If the charter school is an LEA member of another SELPA, the Southwest SELPA shall have no involvement or responsibility for special education funding or services for charter school students. However, the Southwest SELPA may, in its discretion, monitor compliance with regard to students who reside within the Southwest SELPA plan area.

If the Superintendents' Council approves a charter school's application to participate as an LEA member of the SELPA, and such approval requires a change to the SELPA Local Plan or allocation plan, such change will be adopted pursuant to the policy making process of the SELPA. Approval of a new LEA member applicant by the Superintendents' Council that does not require any other changes to this Local Plan shall not require Local Board action.

1. Southwest SELPA Involvement with Approval and Renewal of Charters

Prior to a member district's approval of a new charter, or renewal of an existing charter, the superintendent or designee of that member district shall consult with the SELPA Executive Director regarding the status of the charter school and its plan to identify and provide special education services to eligible students enrolled by the charter school. The SELPA will be available to provide consultation on the potential special education programmatic and fiscal impacts and benefits that may be associated with granted or renewing the charter petition.

The charter petition must provide adequate assurances that all eligible students enrolled in the charter school will receive appropriate special education services in accordance with the Southwest SELPA Local Plan or other SELPA if verifiable written assurances of membership in that SELPA are provided during the petition process. The charter must provide assurances that no student will be denied enrollment in the charter school due to a disability or the charter schools inability to provide placement or services called for in that student's IEP. The charter must also delineate the entity responsible for providing special education instruction and services as required by all LEAS, any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. These provisions may be described in a Memorandum of Understanding however that MOU should not supplant or replace a reasonably comprehensive description in the charter.

Prior to approval of a petition, and regardless of whether the charter school intends to operate as a school of their authorizing agency or an LEA member of a SELPA, petitioners should be required to provide a written description of how special education compliance will be accomplished at the charter school. This description should describe how special education services will be provided at the charter school and for charter school students in a manner that is consistent with the IDEA and its implementing state law and regulations. At minimum, the description should include:

- The specialized instruction and services available at the charter school;
- The procedures for ensuring that general interventions are employed and exhausted prior to referring a student for an special education eligibility assessment;
- The procedures for ensuring students suspected of having a qualifying disability are referred, assessed and served in a timely manner, in accordance with the IDEA and implementing state law;
- The charter school's plan to ensure the continuum of program options and services is available to students enrolled in the charter school;
- Assurances that charter school staff will appropriately develop, review, revise, and implement IEPs;
- Assurances that staff members providing special education services are appropriately credentialed;

- Assurances that the facilities used by the charter school does not present physical barriers that would limit eligible student's full participation in the educational and extracurricular program;
- Recognition that the charter school is solely responsible for compliance with Section 504 and the Americans with Disabilities Act; and
- Assurances and procedures necessary to ensure that disenrollment and suspension and expulsion policies and procedures afford the protections of federal and state law to special education and Section 504 eligible students.

To the extent these requirements are not otherwise contained in the charter petition, they should be included in an MOU to be executed prior to granting of the charter petition. Any MOU must be consistent with the rights of obligations of SELPA members and the local plan.

2. Categories of Charter Schools

For the purposes of provision of participating in the SELPA, charter schools may be deemed either a Local Education Agency (LEA) or a public school within the chartering district. A charter school shall be deemed a public school within the chartering district unless the charter school has complied with all provisions of section 2b (below).

a. Public School within a District.

Charter schools that are deemed public schools within a member district will participate in state and federal funding in the same manner as other schools within that member district. The chartering district will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instructional services in a manner that is consistent with all applicable provisions of state and federal law. The chartering district will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students in other district schools. The charter school, deemed a public school, shall be represented on the Superintendents' Council by the Superintendent of the chartering district.

The chartering district will receive all special education funds generated by the charter school, as outlined in the SELPA allocation plan, and may decide, in its sole discretion, how to allocate or expend such funds. The chartering district will represent the needs of charter schools operating as a school of their district like it does for other schools within the district, in the SELPA governance structure. The chartering district will be responsible for ensuring that all eligible students enrolled in the charter school are appropriately identified and served. The district will be responsible for procuring and funding appropriate special education services, even though the student may not reside in the chartering district's boundaries. When a student lives outside the boundaries of the chartering district, the district in which the child lives will have no responsibility to provide services or pay excess costs.

The district and the charter school may enter into agreements whereby the charter school is billed for excess costs associated with providing special education services to identified students, including the administration of special education programs. The charter school may also be held fiscally responsible for a fair share of any encroachment on District general funds that is created by the provision of special education services throughout the district.

Should a charter school that is an operating a school of the chartering district later seek to operate as an LEA, the charter school must provide written notice at least one year before leaving the SELPA to become a member of another SELPA. Two years notice is preferable, and charter schools providing such notice will be given priority consideration.

b. Charter School as a LEA within the SELPA.

A charter school may apply to become a LEA member of the Southwest SELPA or other SELPA accepting charter school members. The application process for a Charter School will be treated in the same manner as any other LEA wishing to be a member of the SELPA. It is understood that a State Board of Education authorized charter shall be treated as an LEA in terms of voting on the SELPA Superintendents' Council if oversight responsibilities have been assigned to an LEA within the SELPA. (Refer to Section 11.f.)

Application must be made to the Southwest SELPA by January 1 of the school year proceeding the school year in which the charter school anticipates operating as a LEA within the SELPA. When application is made to the Southwest SELPA, the Superintendents' Council will make the final determination regarding whether the charter school has the capacity and intent to meet all requirements of an LEA member of the SELPA. These requirements include:

1. The charter school must demonstrate that its program and fiscal capacity, infrastructure, and experience base are sufficient to ensure full and independent compliance with the IDEA, without the support of its authorizing district. This must include assurances that the charter school will make the full continuum of program options available to its students, has highly qualified staff, understands rights created by the IDEA and implementing state law for eligible students and their parents, and student achievement.
2. The charter school must be physically located within the geographic boundaries of the Southwest SELPA.
3. The charter school must complete the Southwest SELPA application and submit all required document together at the same time, in an organized manner. Incomplete or disorganized applications and submissions will be returned and not processed.
4. The charter school must provide assurances and meet the terms of all policies and procedures included in the Southwest SELPA Local Plan.
5. In addition to the completed application form, the charter school must submit the following documentation:
 - i. Most recently approved charter petition or petition that is currently being considered for approval.
 - ii. A copy of audit reports for the past two years (if available)
 - iii. Income/expense reports for special education programs for the past two years
 - iv. API scores for the school – history of last five years (if available)
 - v. A copy of the School Accountability Report Card (SARC) (if available)
 - vi. List of credentials and assignments for all certificated staff – name, position, credential and number, highly qualified status
 - vii. List of non-credentialed staff providing instruction in non-core classes and their assignments or special education services
 - viii. A signed copy of the SELPA Assurance Statement (separate document)
 - ix. Proof of Liability Insurance

- x. A copy of the notice of withdrawal from an existing SELPA (if appropriate)
 - xi. Provide a current operating budget that demonstrates fiscal responsibility pursuant to the standards contained in Education Code 42130 and 42131.
 - xii. Provide assurances that students and staff will be instructed in a safe environment by highly qualified teachers and providers.
 - xiii. Certification of good standing from the charter school oversight agency.
6. Should the charter school need legal counsel in seeking or attaining LEA status, the charter school shall be solely be responsible for its own legal fees as it relates to the application and assurances process in becoming an LEA.

The Charter School is required to assure compliance with all requirements of the SELPA Local Plan approved Amendments, and policies outlines in the Local Plan Appendix, including:

- Meet the terms of the agreement regarding assurances of the Local Plan.
- Meet the terms of the agreement regarding Due Process and Complaints.
- Meet the terms of the agreement regarding the Annual Budget and Service Plan.
- Meet the terms of the agreement regarding unreimbursed costs as specified in the Participation Agreement.
- Meet terms of Participants on the Superintendents' Council.

Once deemed a LEA for the purpose of special education, the charter school participate in the Directors' Council, Program Specialist Council, Community Advisory Committee, and Finance Committee in the same manner as other LEAs within the SELPA and:

- a. Receive state and federal funding for special education in the same manner as other LEAs within the SELPA per the approved allocation plan.
- b. Be responsible for all costs and liabilities incurred in the provision of special education services. These costs may include, but are not limited to, instruction, transportation, nonpublic school/agency placements, inter-intra SELPA placements, due process proceedings, complaints, and attorney fees.
- c. Document that all State and Federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of federal, state, and local funds apportioned or available to the charter school.
- d. Participate on the Charter School Committee. It is understood that the actions and recommendation of the Charter School Committee shall be forwarded to the Superintendents' Council in the same manner as recommendations from the Directors' Council.

Prior to admission to the SW SELPA, charter schools submit plans to the Superintendents' Council Charter School Committee through the SW SELPA Charter School Support Representative / designee and SW SELPA Executive Director, outlining their programs and services to students with special needs. Charter schools are expected to offer the full continuum of special education programs and services as do traditional schools. Depending upon the factors surrounding the development of their Charter (i.e., charter maintenance organization, conversion charter, or LEA charter) they

may need additional assistance in developing program options and services in their first year(s), which the SELPA may provide at cost.

Students in need of special education and related services including non-public schools and agency services and classroom or special circumstance aide support and school-based counseling services are the responsibility of the Charter School even though those services may not be available at the charter school. Contractual services including legal consultation, unique training outside of what is provided from the SW SELPA, requests for services such as applied behavioral analysis, extended school year or specialized services should be determined by IEP teams and offered as appropriate as part of a free and appropriate public education and funded by Charter Schools.

Similar to traditional districts, charter school service delivery models for students with special needs may include collaborative or co-teaching models, learning center models, pull out specially designed instruction and small group specially designed instruction based on the needs of the pupil and in accordance with federal and state regulations. Each year, the SW SELPA annual budget and service plan outlines the types of services offered at each site within the SW SELPA. Students enrolled in Charter Schools requiring a DIS related specialized service such as speech/language, visual/hearing, orthopedically impaired or adaptive P.E. typically receive these services through LACOE contractual agreements, certified non-public agency staff or Charter School employees.

Students requiring a special day class level of service may receive those services funded by the charter school, through SW SELPA placement agreements and other local plan provisions. Other than via SW SELPA placement agreements or local coordination of services among SELPA members, LEAs shall not place students in other LEAs programs without the prior involvement and express consent of the other LEA and approval of the SELPA.

Once admitted to the SELPA, charter school LEAs participate in state and federal funding for special education and the SELPA's allocation plan in the same manner as other LEAs in the SELPA. As with other LEAs in the SELPA, charter schools allocation will be determined based on their pupil's needs and special education qualified expenses, and the SELPA will only allocate to the LEA funding to cover qualified special education expenditures.

Charter Schools are responsible for providing special education and related services to pupils enrolled in Charter Schools per IDEA regulations. This includes: certificated, classified salaries and benefits, books and supplies, contract services and other operational expenses, equipment and equipment replacement. Staffing to support students with special needs is monitored prior to the initiation of each school year through meetings with Charter School Administration and Charter School support representative/designee and SW SELPA Executive Director.

Charter Schools must provide the SW SELPA Executive Director and Charter School support representative/designee a proposed expenditure report in advance of each school year to assure and support budgeting of resources and services to pupils with special needs. If the services and/or staffing do not align with the identified needs of the Charter School special needs population, the SW SELPA Executive Director will indicate the Charter School will need to revise their proposal and resubmit for funding consideration. Charter Schools are required to revise their proposed expenditure report mid-year, and submit it to the SW SELPA for review. AB602 funding allocations are distributed to Charter Schools according to the SW SELPA allocation plan. Funding exhibits from CDE following P1 is provided annually and typically by March 30 of each year for review. Charter School LEA members may attend regularly scheduled SW SELPA Finance.

Committee meetings and Charter School Committee meetings to review and support allocation recommendations for funding. Final expenditure reports are submitted to the SELPA Office certifying qualified special education expenditures.

Procedure for Conflict Resolution

Issues concerning governance and administration will be reviewed by the Directors' Council and referred to the Superintendents' Council for resolution, consistent with the Local Plan Section II: Governance. LEAs that have not complied with requirements of this Local Plan shall cooperate with the SELPA in attempting corrective action for no less than one school year. Thereafter, the SELPA may withhold funding from that LEA, or vote to exit the member from the SELPA, with one year's notice. In the case the LEA is a charter school, such exit will result in the charter school reverting to a school of its authorizing district, unless the charter school has obtained written, verifiable assurances of membership in another SELPA before reverting to a school of the chartering district.

SECTION IV: EARLY CHILDHOOD SPECIAL EDUCATION

A. Staff Development for Early Education

The Southwest SELPA program specialists and psychologist, infant and preschool teachers should take leadership in developing staff development activities. The Southwest Special Education Family Resource Center, along with local Early Intervention Councils shall participate in the identification development and implementation of training for parents and professionals. Coordinating with other agencies, including the Regional Centers and CCS, shall be a priority and under the direction of the SELPA Executive Director. A commitment to parent professional collaboration and family centered services is the hallmark of the Southwest SELPA Early Education Programs. Priorities for training include low incidence services, IFSP development, and parent/professional partnerships.

B. Program Operations

The Southwest SELPA shall provide early intervention services consistent with our 1980-81 mandates. In addition, the SELPA shall serve children who have solely a low incidence disability. Enrollment of additional, eligible children up to the programs funded capacity shall occur, per the interagency agreement with local regional centers. The priority for these placements is dually eligible infants.

C. Program Services and Options

The Southwest SELPA program includes center-based programs where parents are part of the program, as well as appropriate siblings under the supervision of the parent. Home based services are also available on a scheduled basis. Early Intervention staff may also provide services in childcare settings within the district of residence.

A full array of related services are provided, including speech and language therapy, audiology, orientation and mobility, occupational and physical therapy, assistive technology, parent counseling, and other related services indicated on the IFSP. In addition, other early intervention services will be provided consistent with the IFSP, including respite care, transportation, nutrition services, parent support, and resources.

Specialized services for low incidence disabilities shall be provided, consistent with Early Start regulations.

D. Ongoing Family Support and Coordination

The Southwest Special Education Family Resource Center shall provide ongoing family support, including transition support as a function of the Resource Center. The SELPA Directors' Councils shall supervise these activities. The SELPA Community Advisory Committee (CAC) and Early Intervention Councils shall advise the SELPA about policies and parent support systems within the area. Parents are encouraged to provide input or ask questions by attending the CAC; or by contacting their district director of special education or the SELPA Executive Director. A parent involved with Early Start or where child participation in Early Start shall be appointed to the CAC as an Early Intervention representative.

E. Evaluation and Assessments

The SELPA will maintain and train qualified evaluators and assessment teams. In addition, the SELPA will coordinate assessments with the Regional Centers as part of the interagency agreements.

F. Individual Family Service Plans (IFSP)

All identified infants and toddlers shall have an Individual Family Service Plan (IFSP). This document shall replace the IEP for pupils age 0-2. The plan shall contain:

- Service coordination
- Family priorities and resources
- Outcomes
- Development and health assessments
- Coordination of service plans
- Provision of services, responsible agencies, and contact persons
- Signatures of the parent approving the plan.

G. Interagency Agreements

An interagency agreement shall be in place between the Southwest SELPA and each regional center within the SELPA. Copies of the agreements are on file at the SELPA Office.

H. Child Find Activities

The Southwest SELPA is committed to extensive child find activities on behalf of member districts and charters. The Southwest SELPA is responsible for a full range of child find activities, including distribution of Early Start posters, distribution of a SELPA designed poster, annual letters to parents, letters to physicians and health care providers, attendance at resource fairs, conferences and trainings, and annual notification in newspapers. All programs maintain information and brochures that are available throughout the community. These activities are not limited to Early Start and apply to all ages 1-22.

Parents shall be given a written copy of the IFSP, including Parent Rights and Protections, in the parent's language of choice. The SELPA will coordinate the development of IFSP forms with each Regional Center, in an effort to maintain consistency. The Southwest SELPA shall complete the IFSP process consistent with legal requirements.

I. Service Coordination

The Southwest SELPA shall provide service coordination to all identified infants and toddlers. Service coordination shall be existing staff members who have been trained by the SELPA under the supervision of the SELPA Early Start Program Specialist.

J. Transition by Age Three

Per the Interagency Agreements with Regional Centers, a transition plan shall be developed according to MOU. For pupils serviced by the Regional Center, the Regional Center service coordinator shall contact the LEA to set up the IFSP for transition. Transition plans shall be incorporated in the IFSP.

K. Dispute Resolution

Parents shall be informed of their rights to due process under the Early Start program at the time of referral and at each IFSP. Disputes between agencies shall employ the procedures as specified in the Interagency Agreements for Early Start Programs between the Southwest SELPA and the Harbor and Westside Regional Centers.

L. Other Public and Private Services

The SELPA coordinates services with the Braille Institute, Child Health and Disability Program (CHDP), regional centers, CCS, and private child care providers.

M. Program Operators

Annually, the Superintendents' Council shall designate the providers of early intervention services, with the current provider being Lawndale Elementary School District. Changes in provider shall be done in accordance with state guidelines.

In addition to these public options, additional early intervention services shall be provided, via California Children's Services, and per IFSP requirements. Certified nonpublic schools and agencies shall be utilized as necessary and appropriate based upon identified needs as indicated on each IFSP.

N. Preschool Options

Each participating school district operates a continuum of preschool options designed to prepare young children for kindergarten. Placement is based on state and federal eligibility and the identified needs of the preschooler as outlined in the IEP. Parents retain all rights to mediation and due process. Parents are provided written information regarding their rights annually and with each complaint filing or when a change of placement is proposed. A transition IEP is held for students exiting the Early Start program. An initial IEP is held following completion of the original assessment for referred preschoolers.

SECTION V: SELPA MONITORING PLAN

The Southwest SELPA shall be responsible for assisting member LEAs in maintaining compliance with applicable state and federal laws.

On at least a quarterly basis, member LEAs will be provided state reports generated following the collection and reporting of required data, as part of the California Special Education Management Information System (CASEMIS). The SELPA, with the support of the Superintendents' Council, may elect to complete such monitoring via electronic reporting and IEP software.

The SELPA Executive Director shall provide technical assistance to member LEAs on compliance standards as informed via the California Department of Education and the Office of Special Education Programs at the federal level. Ongoing discussion and access to resources shall be facilitated by the SELPA. At the request of a member LEA, the SELPA will facilitate a local compliance review process. The goal of all compliance reviews is to resolve issues locally and support cost effectiveness.

In the event the SELPA Executive Director has knowledge of noncompliance and/or concerns regarding compliance trends, (s)he shall inform the Director of Special Education or responsible administrator and the Superintendent of the chartering entity. Such reports may be part of ongoing discussion at Superintendents', Directors', and Charter School meetings. After attempts to resolve issues of noncompliance, the SELPA Executive Director may recommend corrective action plans, re-allocation of funds, and other remedies to the Superintendents' Council. This may include the involvement of the California Department of Education, LACOE, or other oversight agency.

It is understood that the SELPA may be required to file a complaint with CDE or OCR in order to protect the rights of eligible students.

The SELPA Executive Director shall follow-up on issues and concerns as reported via the SELPA Community Advisory Committee members and meetings. The SELPA Executive Director shall make ongoing reports to the CAC regarding SELA-wide compliance monitoring activities by the California Department of Education, including local steps to resolve noncompliance issues.

Up to two times each year, the SELPA will "spot-check" an IEP compliance via collaboration with district Directors, charter school representatives and Program Specialists.

SECTION VI: POLICIES, ADMINISTRATIVE REGULATIONS AND PROCEDURE MANUALS

Each member LEA of the Southwest SELPA shall approve local policies and administrative regulations to support and ensure appropriate implementation of the Local Plan. Each LEA, in collaboration with the SELPA, shall develop a local procedure manual to assist staff to implement local policies and administrative regulations. Copies of the policies, administrative

regulations, and procedure manuals shall be retained at the local level and made available to the SELPA and California Department of Education upon request.

The SELPA, with approval of the Directors' Council, shall provide an approved Individual Education Plan document and Parent Rights and Responsibilities document for use by member agencies. The SELPA shall also support districts in Child Find activities.

SECTION VII: BEHAVIOR INTERVENTION

Positive Behavior Intervention

The Southwest SELPA and member agencies shall conform to current State and Federal laws and regulations regarding behavior intervention. District level policy and administrative regulations shall apply except for the following specific requirements:

Nonpublic school and agency staff must maintain certification with the California Department of Education and adhere to the Master Contract provisions relating to Behavior Intervention.

The Southwest SELPA has approved the Nonviolent Crisis Intervention (NCI) certification as the approved behavior intervention strategy for use with students with serious behavior problems as documented in the Individual Education Plan (IEP), positive behavior plan and/or the behavior intervention plan. The SELPA shall maintain a file of NCI certified individuals and shall provide ongoing NCI training consistent with NCI guidelines. Districts are required to verify staff NCI certification.

Behavior Emergency Intervention - Emergency intervention may only be used to control unpredictable, spontaneous behavior, which poses a clear and present danger of serious physical harm to the individual or others, and which cannot be immediately prevented by a response less restrictive than the temporary application of an approved technique used to contain their behavior. All approved techniques in the SELPA must be consistent in Nonviolent Crisis Intervention trainings and procedures. Each member agency shall insure that a copy of the Behavior Emergency Report is written and placed in the pupil's file with a copy to the SELPA office, and an IEP team meeting scheduled to review the Behavior Emergency Report as appropriate.

Behavioral Intervention prohibited by law:

To protect the child from abusive physical or emotional trauma, the following techniques may not be used by any public or nonpublic school or agency, regardless of emergency situation or as part of any plan and school activity. The interventions prohibited are:

- 1) "any intervention that is designed to, or likely to, cause physical pain;"
- 2) "releasing noxious, toxic or otherwise unpleasant sprays, mists, or substances in proximity to the individual's face;"
- 3) denial of "sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities;"
- 4) procedures such as "verbal abuse, ridicule or humiliation" or others that can be expected to cause "excessive emotional trauma;"

- 5) physical restraint by "a device, material or objects that simultaneously immobilizes all four extremities," including "prone containment or similar techniques," unless it is used by personnel who are "trained" in the technique and it is used only as an "emergency intervention;"
- 6) "locked seclusion," unless it is used as an emergency procedure and then only in a facility licensed or permitted by state law to use a locked room;
- 7) Any intervention that leaves a student without "adequate supervision;" and
- 8) "any intervention which deprives the individual of one or more of his or her senses" [3052(1)(1-8)].

Training Requirements

In addition to Nonviolent Crisis Intervention (NCI) training, ongoing training concerning positive interventions, data collection and positive reinforcement shall be coordinated and evidence of training will be provided to the SELPA by each LEA on a regular basis.

Reporting Requirements and Data Collection - Each behavior intervention plan shall determine the type, frequency, and nature of the data to be collected and analyzed by the qualified behavior intervention staff and the IEP team. This applies to Behavior Intervention Plans.

The IEP team or member of IEP shall determine the need for ongoing monitoring of the plan. For a behavior intervention plan involving serious behaviors, a quarterly review of data is recommended.

In the event a behavior emergency incident occurs where the use of an approved crisis intervention by utilized staff, a Behavior Emergency Report (BER) shall be completed within 24 hours and filed with the appropriate administrator as well as copies provided to the appropriate IEP team member and the Southwest SELPA. Annually, at the request of the California Department of Education, the SELPA shall report the number and type of Behavior Emergency Reports reported during a given school year. Copies of this report shall be on file at the SELPA Office. A copy of the Behavior Intervention Report shall remain in the student's special education file.

APPENDIX A Local Education Agency Assurances (Approved by all members and on file with the California Department of Education and the Southwest SELPA)

SOUTHWEST SELPA
10322 CONDON AVENUE
LENNOX, CA 90304
PHONE: 310.680.5770 FAX: 310.680.5770
SWSELPA.ORG

**SPECIAL EDUCATION LOCAL PLAN AREA LOCAL
EDUCATION AGENCY ASSURANCES**

1. Free Appropriate Public Education 20 *United States Code (USC)* Section (§) 1412 (a){1}

It shall be the policy of this local educational agency (LEA) that a free appropriate public education is available to all children residing in the LEA between the ages of three through 21 inclusive, including students with disabilities who have been suspended or expelled from school.

2. Full Educational Opportunity 20 *USC* § 1412 (a)(2)

It shall be the policy of this LEA that all pupils with disabilities have access to educational programs, nonacademic programs, and services available to non-disabled pupils.

3. Child Find 20 *USC* § 1412 (a)(3)

It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.

4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP) 20 *use* § 1412 (a)(4)

It shall be the policy of this LEA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program. It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

5. Least Restrictive Environment 20 USC§ 1412 (a)(5)

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special class, separate schooling, or other removal of a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

6. Procedural Safeguards 20 USC§ 1412 (a)(6)

It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including the identification, evaluation, and placement process.

7. Evaluation 20 USC§ 1412 (a)(7)

It shall be the policy of this LEA that a reassessment of a student with a disability shall be conducted at least once every three years or more frequently, if appropriate.

8. Confidentiality 20 USC§ 1412 (a)(8)

It shall be the policy of this LEA that the confidentiality of personally identifiable data information and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act (FERPA).

9. Part C Transition 20 USC § 1412 (a)(9)

It shall be the policy of this LEA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely and effective for the child and family.

10. Private Schools 20 USC§ 1412 (a)(10)

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

11. Local Compliance Assurances 20 USC§ 1412 (a)(11)

It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and serve as the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act (IDEA), the Federal Rehabilitation Act of 1973, Section 504 of Public Law and the provisions of the California *Education Code*, Part 30.

12. Interagency 20 USC§ 1412 (a)(12)

It shall be the policy of this LEA that Interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for FAPE are provided, including the continuation of services during an interagency dispute resolution process.

13. Governance 20 USC§ 1412 (a)(13)

It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

14. Personnel Qualifications 20 USC§ 1412 (a)(14)

It shall be the policy of this LEA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities.

This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (COE) about staff qualifications.

15. Performance Goals and Indicators 20 USC§ 1412 (a)(15)

It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the COE and provide data as required by the COE.

16. Participation in Assessments 20 USC§ 1412 (a)(16)

It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

17. Supplementation of State/Federal Funds 20 USC§ 1412 (a)(17)

It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement and not to supplant state, local and other Federal funds those funds.

18. Maintenance of Effort 20 USC§ 1412 (a)(18)

It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

19. Public Participation 20 USC§ 1412 (a)(19)

It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

20. Rule of Construction 20 USC§ 1412 (a)(20)

(Federal requirement for State Education Agency only)

21. State Advisory Panel 20 use§ 1412 {a}{21}

(Federal requirement for State Education Agency only)

22. SUSPENSION/EXPULSION 20 use§ 1412 (a){22}

The-LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the COE. When indicated by data analysis, the LEA further assures that policies, procedures and practices related to the development and implementation of the IEPs will be revised.

23. Access to Instructional Materials 20 use§ 1412 {a}{23}

It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state adopted National Instructional Materials Accessibility Standard.

24. Over identification and Disproportionality 20 use§ 1412 (a){24}

It shall be the policy of this LEA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

25. Prohibition on Mandatory Medicine 20 use§ 1412 (a){25}

It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

26. Distribution Of Funds 20 USC§ 1411(eMf)(1-3)

(Federal requirement for State Education Agency only)

27. Data 20 USC§ 1418 (a"d)

It shall be the policy of this LEA to provide data or information to the COE that may be required by regulations.

28. Reading Literacy (State Board requirement, 2/99)

It shall be the policy of thfs LEA that in order to improve the educational results for students with disabilities, Special Education Local Plan Area's (SELPA) Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

29. Charter Schools EC 56207.5 (a"c)

It shall be the policy of this LEA that a request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district.

APPENDIX B Local Plan Approvals

SOUTHWEST SELPA
10322 CONDON AVENUE
LENNOX, CA 90304
PHONE: 310.680.5770 FAX: 310.680.5771
SWSELPA.ORG

Animo Charter High School #12

In accordance with Federal and State laws and regulations, certifies that this plan has been adopted by the appropriate local board(s) (DISTRICT/COUNTY) and is the basis for the operation and administration of special education programs; and that the agency herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 *United States Code* (USC) 1400 et.seq, and implementing regulations under 34 *Code of Federal Regulations (CFR)*, Parts 300 and 303, 29 USC 794, 705 (20), 794- 794b, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the *California Education Code*, Part 30 and Chapter 3, Division 1 of Title V of the *California Code of Regulations*.

Be it further resolved, the local educational agency (LEA) superintendent shall administer the local implementation of procedures, in accordance with state and federal laws, rules, and regulations, which will ensure full compliance.

Furthermore, the LEA superintendent ensures that policies and procedures covered by this assurance statement are on file at the LEA and the SELPA office.

Adopted this 30 day of June, 2017.

Year: 11 Days: 0

Signed: [Signature]

Title: SECRETARY

Superintendent, Secretary to the Board of Education (or use appropriate titles)



SECTION 12

LOW INCIDENCE

Section 12 Low Incidence

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Section 12 Low Incidence

12.1 Low Incidence Funds



Low Incidence Funds

Legal Requirements

Education Code Section 56836.22 provides for funds to purchase “specialized” books, materials and equipment as required under the student’s Individualized Education Program (IEP) for students with low incidence disabilities as defined in Section 5602.5

“Low incidence disability” means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof.

As a condition of receiving these funds, the SELPA shall ensure that:

- the appropriate books, materials and equipment are purchased
- the use of items is coordinated as necessary
- the books, materials and equipment are reassigned within the SELPA once the student that originally received the items no longer needs them.

Special supplies and equipment purchased with State funds are the property of the State and shall be available for use by individuals with exceptional needs throughout the State. The Clearinghouse for Specialized Media and Technology (CSMT) is available to facilitate the distribution of unused materials and equipment. In addition to the equipment fund, annually, the State Budget Act may appropriate funds which shall be used to provide specialized services to pupils with low incidence disabilities.

12.2 Description of Low Incidence Disabilities

Visual Impairment

To be eligible for special education, a “pupil has a visual impairment which, even with correction, adversely affects a pupil’s educational performance.” When an assessment of a student with a visual impairment determines that he or she has educational needs that cannot be met without special education and related services, the student is provided with instruction, specialized services,

materials and equipment in accordance with his or individualized education program (IEP).

The term visual impairment includes, for educational purposes:

- Students who have functional blindness (who rely basically on senses other than vision as their major channels for learning).
- Students with low vision (who use vision as a major channel for learning).
- A visual impairment that does not include perceptual or visual motor dysfunction resulting solely from a learning disability.

Severe Orthopedic Impairment

The term orthopedic impairment includes those impairments caused by congenital anomalies, diseases, and other conditions. Conditions resulting in severe orthopedic impairments include, but are not limited to: cerebral palsy, muscular dystrophy, spinal bifida, spinal cord injuries, head traumas, juvenile rheumatoid arthritis, and tumors.

- These conditions may improve, remain stable, or deteriorate; and changes in characteristics may occur at varying rates.
- A severe orthopedic impairment is persistent and significantly restricts an individual's normal physical development, movement, and activities of daily living. As a result, this impairment may affect the pupil's educational performance. Accompanying sensory, intellectual, behavioral, learning, and medical problems often occur that may affect the pupil's school performance.

Hearing Impairment

The student with a hearing impairment is one whose hearing loss adversely affects his or her developmental growth or educational performance, or both, to such an extent that special education and related services are required. Hearing impairment is defined as an impairment which is permanent that adversely affect an individual's:

- Expressive and/or receptive communication.
- Developmental growth, and or educational performance and makes it difficult, but does not preclude, the processing for linguistic information through hearing, with or without amplification.

12.3 Low Incidence Committee

Low Incidence funding is legally the responsibility of the SELPA, including accountability of how the funds are used and reassignment of specialized books, materials and equipment within the SELPA and sharing with other SELPAs. To meet this responsibility, a Low Incidence Committee has been established which is comprised of educators knowledgeable about low incidence disabilities. The

Southwest SELPA Low Incidence Committee has established procedures and guidelines for purchases through the Low Incidence fund.

The Low Incidence Committee may include:

- SELPA Administrator
- Program Specialist
- School Psychologist
- Specialist for the Visually Impaired
- Specialist for the Orthopedically Impaired
- Specialist for the Deaf and Hard of Hearing
- Speech and Language Pathologist
- Audiologist Teacher
- Specialist knowledgeable in assistive technology

The Low Incidence Committee will meet monthly during the regular school year to review the request for Low Incidence funding.

12.4 ELIGIBILITY

Funds may be used for all students with the Low Incidence disabilities as defined in law, for both primary and secondary eligibilities. Education Code Section 56320(g) requires that persons knowledgeable of that disability shall conduct the assessment of a pupil with a suspected low incidence disability. A low incidence disability does not guarantee the use of low incidence funds. The IEP team reviews assessment data and determines the most appropriate items or services needed to address the student's unique educational needs. These items or services may, or may not be "specialized." Items, which are found in most classrooms, would not be acquired through low incidence funds.

Note: Some students counted as having an orthopedic impairment may not be eligible because they do not have a "severe orthopedic impairment" as per the definition of Low Incidence disabilities in Education Code 56026.5. Students who have severe orthopedic impairments require highly specialized services, equipment and materials per Education Code Section 5600.5(b).

12.5 LOW INCIDENCE GUIDELINES

These guidelines were developed for LEAs serving students with severe low incidence disabilities who require specialized services and/or equipment and specialized materials to benefit from education.

12.6 Low Incidence Funding Parameters

1. Prior to requesting purchase of new equipment the district should check other sources such as the Clearinghouse for Specialized Media and Technology, and SELPA office for any availability.
2. Since Low Incidence funds are limited to expenditures on books, materials, and equipment, for students with low incidence disabilities, the purchase must relate to the unique educational needs resulting from the low incidence disability as indicated in the IEP of eligible students.
3. Requests for individual items that are under \$75.00 should not be submitted for low incidence funding and are the LEA responsibility unless the items comprise parts of a single piece of equipment from the same vendor for an individual student that totals at or above \$75.
4. To offset the cost incurred by the LEA purchasing materials for less than the minimum \$75 ordering standard, each LEA may submit a onetime bulk reimbursement request. The request for reimbursement must include invoices detailing the purchase of low incidence materials and must be received by June 1st.

Note: Equipment purchased with Low Incidence funds is the property of the State of California and is managed by the Southwest SELPA.

12.7 Procedures

1. Determine Eligibility:
The IEP team determines eligibility for a low incidence disability. The Low Incidence eligibility must be documented on the IEP as a primary or secondary disability.
2. Determine Student Needs:
The IEP team determines the student's educational needs for item(s) through educational assessments and/or documentation.
 - a. Educational Assessment:
The personnel who assess the student shall prepare a written report, or reports as appropriate, of the results of each assessment. The report shall include, but not be limited to, the need for specialized services, materials, and equipment for students with low incidence disabilities consistent with guidelines established pursuant to §56136..

b. IEP Documentation:

The requirements must be written into the IEP but are not limited to the following:

- Justification statement that is related to the student's unique educational needs as identified in the IEP documents.
- Assessment, goals and objectives that are correlated to the justification statement of need.
- Present level that reflects need for support.
- How the item will assist the student's instruction in accordance with the IEP.
- How the item facilitates participation in the classroom.
- Specific projected student outcomes.
- Identification of personnel who will provide support to student and will monitor and inventory low incidence equipment and materials.

3. Submission to Low Incidence Committee:

Complete the "Low Incidence Request" Forms: The LEA Special Education Director must sign the request form. Include accurate ordering information including tax and shipping.

4. Attach Relevant Current Annual IEP Forms:

The IEP must be signed and legible. Attach amendment IEPs as appropriate. The minimum IEP forms that should include:

- Info/Eligibility
- Special Factors
- Related Goal/s
- Any additional documentation relative to support this request

5. Send the Request Packet:

Request packet must be sent to the Assistant SELPA Executive Director at the SW SELPA office for presentation to the Low Incidence Committee for review. The SW SELPA Administrator signs approval.

After approval, the request packet will be processed for ordering by the Southwest SELPA office. Keep a copy of the request form for your records.

6. Receipt of Equipment

The Southwest SELPA office will notify the LEA when the Low Incidence equipment arrives. It will be the responsibility of the receiving LEA to pick up the requested equipment from the Southwest SELPA office. The Southwest SELPA personnel will record an inventory log on the purchase order used to acquire the

Low Incidence equipment and attach a bar code identifying equipment as “Property of Southwest SELPA”.

If there is a delay in shipping from the vendor of more than four weeks, the Southwest SELPA will inform the LEA.

Cautions: If possible please do not use specific brand names. Goals/Special Factors should be addressed generically. What the IEP must show is that the student has a unique educational need directly related to the low incidence disability and that this need can only be met with specialized books, materials, equipment and services. Goals must be written to address the unique educational needs, not the desired items or service.

12.8 Low Incidence Approval/Denial Process

If an item is not approved you may appeal the Low Incidence Committee decision by completing and submitting the request for Low Incidence Appeal form. The SW SELPA Executive Director will consider information presented and will make the final determination using the SW SELPA policy for approving/denying such request.

12.9 Reimbursement

If it is necessary for an LEA to purchase equipment due to unusual circumstances, the LEA must present the request for reimbursement to the Low Incidence Committee for approval prior to purchasing the item. The LEA is asked to submit the following documents:

- A completed Reimbursement for Low Incidence Fund form indicating the reason for need to purchase, the equipment to be purchased, and the amount of item.
- A copy of the student’s IEP, including specialist reports
- Two (2) quotes from vendors.
- A copy of paid invoice or other verification of payment.

The Low Incidence Committee will consider the request on its own merit. It is important that all documentation is included with the request. Please check “Request for Reimbursement” when submitting the Low Incidence Equipment/Materials Requisition Form.

12.10 Student Movement

Student Moves into the Southwest SELPA:

When a student moves into the LEA with low incidence equipment already purchased for the student in their last placement, it is the responsibility of the LEA of attendance to secure and document that the equipment be transferred. If equipment is sent with the student, an inventory form should be completed and sent to the Southwest SELPA so it can be put into the Low Incidence Inventory database.

Student moves out of Southwest SELPA:

Per CDE FAQs about Low Incidence Funds: “if the books, materials and equipment are still needed by other students with low incidence disabilities in your SELPA, there is no requirement to send it with the student who moved. Providing these resources is the responsibility of the SELPA where the student now resides. If, however, books, materials and equipment purchased with low incidence funds are unused, SELPAs are encouraged to make arrangements with other SELPAs to share the unused equipment, books and materials. The California Department of Education may be contacted for assistance in locating another SELPA that has need of the unused equipment, books or materials.”

Student graduates from high school:

A graduating high school student who has a low incidence disability cannot use the specialized equipment purchased for him by his SELPA through low incidence funds in college. To do so would be a gift of public funds which is a violation of law. Pursuant to Education Code 56822 “Books, materials and equipment purchased with low incidence funds remain the property of the state. Since the student has graduated from high school, he is no longer eligible to receive special education services from your SELPA.” If the SELPA no longer has use for the books, equipment or materials the California Department of Education should be notified so that another SELPA that has need of these resources can be found. If the student needs similar equipment upon graduating or aging out, he/she should contact the Department of Rehabilitation or their local Regional Center.

12.11 Equipment

1. *Lost or stolen:* If equipment is lost or stolen it may not be replaced using low incidence funds. The LEA is responsible for replacement of equipment. Reimbursement to districts for costs of replacing lost or stolen equipment can be requested if money is available at the end of year.
2. *Item No Longer Needed:* If the item(s) has been purchased for one student and is no longer being used by that student, notify the Southwest SELPA Assistant Director. The item can be reassigned to another student who is low incidence eligible. The IEP for that student must indicate the need for low incidence equipment. Notify the Southwest SELPA of any action taken with Low Incidence Fund equipment.

12.12 Low Incidence Equipment Set-Up

1. The responsibility for the set-up of Low Incidence equipment shall be negotiated between the LEA and Southwest SELPA office.
2. Incidentals required to activate the Low Incidence equipment, such as plugs, power strips, power surges, extension cords, ink for printers, shall be purchased by the LEA.
3. Continued technical assistance shall be provided either by LEA staff, contracted IT, or Southwest SELPA staff based on the circumstances.



SOUTHWEST SELPA

LOW INCIDENCE REQUEST FORM DIRECTIONS

Low Incidence funding is legally the responsibility of the SELPA, including accountability of how the funds are used and reassignment of specialized books, materials and equipment within the SELPA. To meet this responsibility, a Low Incidence Committee has been established which is comprised of educators knowledgeable about low incidence disabilities. The team will meet monthly to review request forms. If you have further questions, please refer to the Low Incidence Funds protocol or contact the Southwest SELPA.

The Low Incidence Equipment/Materials Request Form must be completed and signed by the Special Education Director in order to be considered by the committee.

All requests, along with complete documentation should be submitted on the following form:

<https://bit.ly/LowIncidenceRequest>

The Low Incidence committee will review the request, and once reviewed, the requesting party will be notified of approval, denial, or if further information requested.

Low Incidence Request Criteria:

Request for specialized low incidence materials, books, and equipment can only be approved when the following criteria is met.

1. The student is identified through the IEP process as having a low incidence disability.
2. The student's need for adaptive equipment is a unique educational need resulting from the low incidence disability. This is identified on the students IEP.
3. The materials, books, and equipment requested are specialized.
4. The materials, books, and equipment requested relate to the students unique educational need resulting from the low incidence disability.
5. The materials, books, and equipment requested are currently unavailable at the district.
6. The request is signed by the Special Education Director.
7. Requests for individual items that are under \$75.00 should not be submitted for low incidence funding and are the LEA responsibility unless the items comprise parts of a single piece of equipment from the same vendor for an individual student that totals at or above \$75.00.



SPECIAL EDUCATION LOCAL PLAN AREA

SECTION 13

RESOURCES

Adaptations to the Core Curriculum

An adaptation is an intervention that retains the learning outcomes of the prescribed curriculum or performance standards and is implemented so that students can more effectively or productively participate in the classroom program.

Adaptations may include some of the strategies listed below:

- **Rate adjustment** – more time to process or complete a task, un-timed tests
- **Strategy Instruction** – Show students a technique to strengthen a breakdown point such as rehearsal and self-testing.
- **Use of supports or aids** – such as a calculator, assistive technology, etc.
- **Volume adjustment** – given a smaller amount of material to produce or process (fewer math problems, shorter report, etc.)
- **Format Adjustment** – presented in a manner that the student can process more effectively (books on CD, oral reports, etc)
- **Feedback System** – use of alternative evaluations such as performance assessments, authentic assessments, daily or weekly assessment, variety of types of tests
- **Prioritization** – certain task components are stressed over others; for example, the student is asked to concentrate on the ideas rather than the spelling or grammar; use of the writing process (editing and proofreading at the end)

ASSISTIVE TECHNOLOGY CHECKLIST

EXAMPLES OF ASSISTIVE TECHNOLOGY

California Department of Education

Note: This list is intended to provide examples of assistive technology and should not be misconstrued as a mandate for payment by any agency, including: local education agencies, California Children's Services, the California Departments of Rehabilitation, Developmental Services, or Education.

Writing

Mechanics of Writing

- Pencil/pen with adaptive grip
- Adapted paper (e.g., raised line, highlighted lines)
- Slantboard
- Typewriter
- Portable word processor
- Computer
- Other: _____

Alternate Computer Access

- Keyboard with easy access
- Keyguard
- Arm support
- Track ball/track pad/joystick with on screen keyboard
- Alternate keyboard
- Mouth stick/head pointer with standard/alternate keyboard
- Head mouse/head master/tracker with on screen keyboard
- Switch with Morse code
- Switch with scanning
- Voice recognition software
- Word prediction to reduce keystrokes
- Other: _____

Composing Written Material

- Word cards/word book/word wall
- Pocket dictionary/thesaurus
- Electronic/talking electronic dictionary/thesaurus/spellchecker
- Word processor with spell checker/grammar checker
- Word processor with word prediction to facilitate spelling and sentence construction
- Talking word processor for multisensory typing
- Voice recognition software
- Multimedia software for expression of ideas (assignments)
- Other: _____

Reading, Studying and Math

Reading

- Changes in text size, spacing, color, background color
- Use of pictures with text
- Book adapted for page turning (e.g., page fluffers, 3-ring binder)
- Talking electronic device to pronounce challenging words
- Scanner with talking word processor
- Electronic books
- Other: _____

Learning/Studying

- Print or picture schedule
- Low tech aids to find materials (e.g., index tabs, color coded folders)
- Highlight text (e.g., markers, highlight tape, ruler, etc.)
- Voice output reminders for assignments, steps of task, etc.
- Software for manipulation of objects/concept development input device (e.g., switch, touch window)
- Software for organization of ideas and studying
- Recorded material (e.g., books on tape, taped lectures with number coded index)
- Other: _____

Math

- Abacus/math line
- Calculator/calculator with print out
- Talking calculator
- Calculator with large keys and/or large LCD printout
- On screen calculator
- Software with templates for math computation (may use adapted input methods)
- Tactile/voice output measuring devices (e.g., clock, ruler)
- Other: _____

Communication

- Communication board/book with pictures/objects/letters/words
- Eye gaze board (eye gaze communication)
- Simple voice output device
- Voice output device with levels
- Device with speech synthesis for typing
- Other: _____

Activities of Daily Living (ADL)

- Adaptive eating devices (e.g., foam handle on utensil)
- Adaptive drinking devices (e.g., cup with cut out rim)
- Adaptive dressing equipment (e.g., button hook, reacher)
- Other: _____

Mobility

- Walker
- Grab rails
- Manual wheelchair
- Powered mobility toy
- Powered wheelchair with joystick, head switch or sip/puff control
- Other: _____

Environmental Control

- Light switch extension

- Use of universal link and switch to turn on electrical appliances (e.g., radio, fan,blender)
- Radio/ultra sound/remote controlled appliances
- Other: _____

Recreation and Leisure

- Adapted toys and games (e.g., toy with adaptivehandle)
- Use of battery interrupter and switch to operate a toy
- Adaptive sporting equipment (e.g., lighted/bell ball, velcromitt)
- Universal cuff to hold crayons, markers, paintbrush
- Modified utensils (e.g., rollers, stampers, scissors)
- Arm rest to support arm for drawing/painting
- Drawing/graphic program on computer
- Playing games on the computer
- Music software on computer
- Other: _____

Vision

- Eye glasses
- Magnifier
- Large print books
- Screen magnifier (mounted over screen)
- Screen color cornets
- Screen magnification software
- CCTV (closed-circuit television)
- Screen reader
- Braille keyboard and note taker
- Braille translation software
- Braille printer
- Other: _____

Hearing

- Hearing aid
- Classroomamplification

- Captioning
- Signaling device (e.g., vibrating pager)
- TDD/TTY for phone access
- Screen flash for alert signals on computer
- Other: _____

Positioning and Seating

- Non-slip surface on chair to prevent slipping
- Bolster, rolled towel, blocks for feet
- Adapted/alternate chair, side lyer, stander
- Custom fitted wheelchair or insert

Additional Resources:

https://www.cde.state.co.us/cdesped/accommodationsmanual_ccss_k12_techscope https://www.cde.state.co.us/cdesped/accommodationsmanual_assistivetechology

<http://www.readingrockets.org/article/assistive-technology-kids-learning-disabilities-overview>

<http://www.augsburg.edu/class/groves/assistive-technology/everyone/>

<http://www.teachthought.com/uncategorized/15-assistive-technology-tools-resources-for-students-with-disabilities/>

MCKINNEY-VENTO HOMELESS ACT

McKinney-Vento Education for Homeless Children and Youth

The McKinney-Vento program is designed to address the problems that homeless children and youth have faced in enrolling, attending, and succeeding in school. Under this program, Local educational agencies (LEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Homeless children and youth should have access to the educational and other services that they need to enable them to meet the same challenging State student academic achievement standards to which all students are held. In addition, homeless students may not be separated from the mainstream school environment. States and districts are required to review and undertake steps to revise laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth.

What is meant by the term “homeless children and youth”?

The McKinney-Vento Act defines homeless children and youths as individuals who lack a fixed, regular, and adequate nighttime residence. This definition also includes:

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
- Children and youths who may be living in motels, hotels, trailer parks, shelters, or awaiting foster care placement
- Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or
- Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above

SCHOOL PLACEMENT, ENROLLMENT, AND ELIGIBILITY FOR SERVICES

On what basis does an LEA make school placement determinations for homeless children and youth?

Homeless children and youth frequently move, and maintaining a stable school environment is critical to their success in school. To ensure this stability, LEAs must make school placement determinations on the basis of the “best interest” of the homeless child or youth. Using this standard, an LEA must:

- (a) Continue the child’s or youth’s education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; or for the remainder of the academic year if the child or youth becomes permanently housed during an academic year; or
- (b) Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

How does an LEA determine the child's or youth's "best interest"?

In determining a child's or youth's best interest, an LEA must, to the extent feasible, keep a homeless child or youth in the "school of origin" unless doing so is contrary to the wishes of the child or youth's parent or guardian. If an LEA wishes to send a homeless child or youth to a school other than the school of origin or a school requested by the parent or guardian, the LEA must provide a written explanation of its decision to the parent or guardian, together with a statement regarding the right to appeal the placement decision.

Why is it so important to maintain a stable education environment for homeless children and youth?

Changing schools significantly impedes a student's academic and social growth. The literature on highly mobile students indicates that it can take a student four to six months to recover academically after changing schools. Highly mobile students have also been found to have lower test scores and overall academic performance than peers who do not change schools. Therefore, the McKinney-Vento Act calls for LEAs to maintain students in their school of origin to the extent feasible.

What should a school district consider when determining the extent to which it is feasible to educate a homeless child or youth in his or her school of origin?

As stated above, to the extent feasible, a district must educate a homeless child or youth in his or her school of origin, unless doing so is contrary to the wishes of the parent or guardian. The placement determination should be a student-centered, individualized determination. Factors that an LEA may consider include the age of the child or youth; the distance of a commute and the impact it may have on the student's education; personal safety issues; a student's need for special instruction (e.g., special education and related services); the length of anticipated stay in a temporary shelter or other temporary location; and the time remaining in the school year.

What procedures must an LEA follow if a dispute arises between a school and a parent or guardian regarding placement of a homeless child or youth?

If a dispute arises over school selection or enrollment, the LEA must immediately enroll the homeless student in the school in which enrollment is sought by the parent or guardian, pending resolution of the dispute. Similar provisions apply to placement of unaccompanied youth. Inter-district enrollment disputes should be resolved at the SEA level.

Homeless families and youth may be unaware of their right to challenge placement and enrollment decisions. Therefore, the LEA must provide the parent, guardian, or unaccompanied youth with a written statement of the school placement decision and the appeal rights. The LEA must refer the unaccompanied youth, parent, or guardian to the LEA liaison, who must expeditiously carry out the dispute resolution process.

When enrollment disputes arise, it is critical that students not be kept out of school. Interruption in education can severely disrupt the student's academic progress.

To avoid such disruptions, LEAs need an established process for resolving school placement disputes. Permitting students to enroll immediately in the school of choice pending resolution of disputes helps provide needed stability.

LEA homeless liaisons help ensure that disputes are resolved objectively and expeditiously. Written notice protects both students and schools by outlining the specific reasons for the school's decision. It

facilitates dispute resolution by providing decision-makers with documents to guide their determinations.

In providing special services to homeless children and youth, how does a school or district avoid stigmatizing those children?

As stated above, a district or school may not segregate homeless children and youth from the mainstream school environment. Homeless children and youth are entitled to receive all of the services that are provided to their non-homeless counterparts and in the same setting as their non-homeless peers.

In some circumstances, it may be appropriate to provide additional services to homeless children and youth in a separate setting. In doing so, a district should be careful not to stigmatize these students. If a district does implement a supplemental program exclusively for homeless children, such as a shelter-based evening tutoring program, it should not be called “the homeless tutoring program” or the “shelter tutoring program.” Instead, the district should use a name such as “Discovery Club” or “Homework Club” to avoid stigmatization.

What are a school’s responsibilities for enrolling homeless children and youth?

A school selected on the basis of a “best interest determination” must immediately enroll the homeless child or youth, even if the child or youth is unable to produce the records normally required for enrollment (such as previous academic records, medical records, proof of residency, birth certificates, or other documentation). The enrolling school must immediately contact the school last attended by the child or youth to obtain relevant academic or other records.

If a child or youth needs to obtain immunizations, or medical or immunization records, the enrolling school must immediately refer the parent or guardian to the LEA homeless liaison, who must assist in obtaining the immunizations or records. The records must be maintained so that they are available in a timely fashion when the child enters a new school or school district. To facilitate immediate enrollment, timely transfer of records from school to school should also take into account procedures for State-to-State record transfers.

The McKinney-Vento statute provides a broad mandate to States and districts to change policies or practices that act as a barrier to the enrollment, attendance, and school success of homeless children. It is important for them to review policies and practices on an on-going basis, so that new barriers do not prevent children from receiving the free, appropriate public education to which they are entitled.

What are some steps that LEAs can take to ensure immediate enrollment?

Homeless children and youth often do not have the documents ordinarily required for school enrollment. Enrolling them in school immediately provides these children and youth needed stability and also is a legal requirement.

To facilitate immediate enrollment, LEAs should consider the following practices:

- Train all school enrollment staff, secretaries, guidance counselors, school social workers, and principals on the legal requirements regarding immediate enrollment;
- Review all regulations and policies to ensure that they comply with the McKinney-Vento requirements;

- Develop affidavits of residence or other forms to replace typical proof of residency. Such forms should be carefully crafted so that they do not create further barriers or delay enrollment;
- Develop caregiver affidavits, enrollment forms for unaccompanied youth, and other forms to replace typical proof of guardianship. Again, such forms should be carefully crafted so they do not create further barriers or delay enrollment;
- Establish school-based immunization clinics or other opportunities for on-site immunizations;
- Collaborate with community-based or public agencies to provide school uniforms within a district and among neighboring districts;
- Accept school records directly from families and youth;
- Contact the previous school for records and assistance with placement decisions;
- Develop short educational assessments to place students immediately while awaiting complete academic records;
- Inform families and youth in a language they can understand or in an accessible format, as appropriate, of their right to attend either their school of origin or local school;
- Inform families and youth in a language they can understand or in an accessible format, as appropriate, of their right to transportation and immediate enrollment;
- Develop clear, understandable, and accessible forms for written explanations of decisions and the right to appeal; and
- Expediently follow up on any special education and language assistance referrals or services.

Are children who are awaiting foster care placement eligible for services under the McKinney-Vento Act?

Yes, children who are awaiting foster care placement are considered homeless and eligible for McKinney-Vento services.

Children who are already in foster care, on the other hand, are not considered homeless. LEA liaisons should confer and coordinate with local public social service agency providers in determining how best to assist homeless children and youth who are awaiting foster care placement.

Are children displaced from their housing by naturally occurring disasters eligible for services under the McKinney-Vento Act?

When children and their families are displaced from their housing as a result of a natural disaster, there is often a period of instability in which various private organizations and local, State, and Federal agencies provide assistance. SEAs and LEAs should determine such children's eligibility for McKinney-Vento services on a case-by-case basis. In making this determination, they should take into consideration the services that are available through these other sources.

Following a disaster, one of the LEA's first priorities is to re-open impacted schools as soon as possible and take steps to normalize school routines. LEAs should then proceed to examine whether children who have been displaced by the natural disaster are eligible for McKinney-Vento services on a case-by-

case basis. In such circumstances, the Department would provide technical assistance and other assistance, as available, to help the LEA.

What responsibilities do SEAs and LEAs have regarding providing transportation services to homeless children and youth?

SEAs and LEAs are responsible for reviewing and revising policies, including transportation policies that may act as barriers to the enrollment and retention of homeless children and youth in schools in the State. Under the McKinney-Vento Act, homeless children and youth are entitled to receive the transportation and other services that are available to non-homeless students.

SEAs and LEAs must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or, in the case of an unaccompanied youth, the liaison), to or from the “school of origin” (*see* definition in Appendix A) in accordance with the following requirements:

- If the homeless child or youth continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child’s or youth’s transportation to or from the school of origin.
- If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

How can LEAs ensure that the education of homeless students is not disrupted during inter-district transfers?

LEAs should have in place inter-district (and inter-State, where appropriate) agreements that address potential transportation issues that may arise as homeless students transfer from one district to another.

Is an LEA required to transport homeless students to and from their school of origin, if needed, while enrollment disputes are being resolved?

Yes. The McKinney-Vento Act’s transportation requirements apply while disputes are being resolved. Therefore, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), the LEA must provide or arrange for transportation to and from the school of origin. Inter-district transportation disputes should be resolved at the SEA level.

If an LEA does not provide transportation to non-homeless students, is it required to transport homeless students?

Yes. As discussed above, the statute not only requires an LEA to provide comparable services, including transportation services, to homeless students, it also requires an LEA, at the request of a parent or guardian, to provide or arrange for transportation to and from the school of origin.

Do LEA transportation responsibilities apply to all LEAs in the State or only to those LEAs that receive a McKinney-Vento subgrant?

This requirement applies to all LEAs in the State.

Does McKinney-Vento require an LEA to provide transportation services to homeless children attending preschool?

To the extent an LEA offers a public preschool education, McKinney-Vento requires that homeless children have equal access to that preschool education as provided to non-homeless children. Furthermore, the statute requires that the services provided to homeless children be comparable to those provided to non-homeless children. Thus, if an LEA provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

The above information was taken from:

Education for Homeless Children and Youth Program Title VII-B of the McKinney-Vento Homeless Assistance Act, as Amended By The No Child Left Behind Act of 2001 Non-Regulatory Guidance

TRANSPORTATION FOR STUDENTS UNDER AB 490 OR MCKINNEY VENTO

AB 490 does not require transportation for foster youth, it indicates the right to continue in school of origin if it's in the child's best interest, but does not mandate transportation. However, foster youth "awaiting placement" are legally homeless under McKinney Vento and are therefore eligible for transportation.

It is the responsibility of the LEAs to adopt policies and procedures to ensure transportation is provided to and from the school of origin for those students who are in a shelter or temporary placement and awaiting a long-term placement. Transportation to and from the school of origin is to be provided if it is feasible and consistent with the wishes of the person holding educational rights and the student. The LEA is responsible to ensure that transportation is provided for the duration of the school year, even if the student moves from a shelter or temporary placement to a more permanent home. If two districts are involved, they must agree upon a method to apportion the cost and responsibility of transportation, or split it equally.

If LEAs cannot reach an agreement, the SELPA Administrator will set up a meeting to resolve the dispute.

Program Strategies

Suggested program strategies to assist with the implementation of homeless education provisions in the areas of transportation, identification, Title I, enrollment, preschool, and special education.

Transportation Strategies

- Coordinate with local housing authorities and placement agencies to house students near their school of origin.
- Re-route school buses (including special education, magnet school and other buses), and ensure that buses travel to shelters, transitional living programs, and motels where homeless students reside.
- Develop close ties among local educational agency (LEA) homeless liaisons, school staff and pupil transportation staff, and designate a district-level point of contact to arrange and coordinate transportation.

- Provide passes for public transportation, including passes for caretakers and older siblings when necessary.
- Take advantage of transportation systems used by public assistance agencies.
- Reimburse parents, guardians, or unaccompanied youth for gas.
- Use approved van or taxi services.
- Use local funds for transportation.
- Purchase gas vouchers to assist parents, but verify school attendance.
- Use early and late school buses for access to extra curricular activities.
- Collect and utilize community and faith-based donations for transportation costs.
- Contact public transportation to offer bus tokens and passes at discounted rates for homeless students and families.
- Collaborate with other LEAs to discuss transportation issues and solutions.
- Use vans from other agencies (including Boys and Girls Club, faith-based organizations, and shelters).
- Include transportation in board policies and LEA Plan.
- Allow the transportation department to be part of the solution.

Identification Strategies

- Coordinate with community services agencies, such as shelters, soup kitchens, food banks, street outreach teams, drop-in centers, welfare and housing agencies, public health departments, and faith-based organizations.
- Provide outreach materials and posters where there is a frequent influx of low-income families and youth in high-risk situations, including motels and campgrounds.
- Develop relationships with truancy officials and/or other attendance offices.
- Provide awareness activities for school staff (registrars, secretaries, school counselors, school social workers, school nurses, teachers, bus drivers, administrators, etc.)
- Make special efforts to identify preschool children, including asking about the siblings of school-age children.
- Use enrollment and withdrawal forms to inquire about living situations.
- Have students draw or write about where they live.
- Avoid using the word "homeless" in initial contacts with school personnel, families, or youth.
- Develop and implement districtwide identification form and put it in each registration packet.
- Identify a site liaison at each school to identify and assist homeless students.
- Sort students by address in database to identify double-up situations.

- Conduct family nights to offer health checks, services, and resources.
- Conduct home visits to determine doubled-up situations and verification.
- Collaborate with other LEAs in the area.
- Collaborate with migrant education programs to assist with identification.
- Work with school counselors and outreach workers to work with families and youth.

Title I Strategies

- Establish a formula or other method to allocate Title I set-asides for homeless children and youth.
- Use Title I funds (including set-aside funds) to support the LEA homeless liaison position and to meet basic needs of students experiencing homelessness (clothing, supplies, health).
- Use Title I funds to provide tutoring and/or outreach services to children and youth living in shelters, transitional living programs, motels, and other temporary residences.
- Pool Title I and McKinney-Vento funds to provide a comprehensive program for homeless students, ensuring that specific needs of children experiencing homelessness or high mobility are met.
- Ensure that the needs of children experiencing homelessness are taken into account in the needs assessments that are required for schoolwide programs.
- Make appropriate testing accommodations for children who are homeless; for example, having opportunities to make up tests if children are absent on testing day.
- Ensure that local liaisons are trained to collect achievement data for all homeless students and that district records systems enable this data collection while taking into account confidentiality issues.

Enrollment Strategies

- Train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment.
- Review LEA policies and revise them as necessary.
- Develop alternative caretaker forms, enrollment forms for unaccompanied youth, and other forms to replace typical proof of guardianship, ensuring they do not create further barriers or delay enrollment.
- Accept school records directly from families and youth.
- Establish immunization databases, school-based immunization clinics, or mobile health units.
- Be sensitive about smoothly integrating new students into the classroom and school community.

Preschool Strategies

- Connect with First 5 California, Universal Preschool, and Head Start.
- Connect with child development programs in your county and district.
- Expand child care opportunities.
- Build relationships with local daycare center and community resources.
- Allow parents to enroll their children after deadlines.
- Pay for additional staff hours to increase the number of preschool age students.
- Offer clinic referrals by district nurses.
- Use caseworker or eligibility workers to assist with identification and enrollment.
- Educate regarding “priority enrollment” for preschool students.
- Develop identification forms to include slots for siblings and their ages.
- Train an outreach person to identify, enroll, and assist homeless preschool students.
- Educate preschools in your area regarding homeless education provisions.
- Utilize Feed the Children resources for students.
- Offer family nights at shelters to provide information and resources.
- Use referrals from Social Services Agencies and non-profit agencies to identify homeless preschool students.
- Utilize Healthy Start programs to identify homeless preschool students.
- Bring awareness to parents of the value of preschool.
- Develop State and Federal preschool guidelines with No Child Left Behind (NCLB) requirements for homeless.

Special Education Strategies

- Educate special education staff, including the director, regarding homeless education provisions.
- Have special education staff educate homeless liaisons on special education provisions.
- Be available for participating in individualized education programs (IEPs) to support parents and/or unaccompanied youth and share information.
- Give parents copies of all IEP paperwork in folder to save.
- Pay for staff to expedite assessments.
- Contact special education local plan area personnel in your area to share information at one of their meetings regarding homeless education and foster youth provisions.
- Contact Parent Resource Network to contact the homeless liaison if the student is homeless.

- Meet annually with school psychologists to inform them of any homeless students with special needs.
- Develop policies, procedures, and board policies for systemic changes.
- Arrange for surrogate or caregiver for unaccompanied youth.
- Develop memorandums of understanding between school and social services.
- Utilize County Resource Collaborative.

<http://www.cde.ca.gov/sp/hs/cy/>

School Change

When Contemplating a School Change

- Youth has the right to remain in school/district of origin when there is a change in placement. EC § 48853.5(e)(1).
- The placing agency must consider a new home's proximity to the school of origin. WIC § 16501.1(c).
- W/in 24 hours of determining that a home change would result in a school change, the CWM must contact minor's counsel and the ed rights holder. CRC 5.651(e)(1)(A).
- Minor's counsel must, as appropriate, discuss the proposed school change with the child and the ed rights holder and may request a hearing. CRC 5.651(e)(2)(A).

Youth Remains in School of Origin

- Youth has the right to remain in school of origin for the duration of court's jurisdiction, or through graduation, if in high school when case is dismissed. EC § 48853.5(e)(3)(A).
- Youth is a resident of the school district of origin. EC § 48204(a)(1)(B)(2).
- School of origin = school attended while permanently housed, school last enrolled, or any school the youth attended within the last 15 months. EC § 48853.5(f).
- If youth has transportation in their IEP as a related service, school district of origin is responsible to provide it. EC § 48204(a)(1)(B)(2), 48853.5(e)(3)(B)(5).
- If no IEP transportation, foster parent may be reimbursed by Social Services for reasonable travel to school of origin. ACL No. 11-51; CRC 5.651(f)(1)(C).

Youth Changes Schools

- Foster youth liaison must give written explanation to the youth and ed rights holder why it's in the youth's best interest to change schools. EC § 48853.5(e)(3)(b)(7).
- If the pupil has an IEP, the CWM must give the new and old school 10 days prior written notice of the expected school change. CRC 5.651(e)(1)(B).
- If the pupil has an IEP and changes districts, the new district must immediately provide comparable services and hold an IEP meeting within 30 days. EC § 56325.
- CWM should compile school records and education passport for new caregivers. WIC § 16010 (a),(c).
- The NEW SCHOOL shall allow the pupil to IMMEDIATELY enroll even if the pupil lacks records normally required for enrollment (EC § 48853.5(e)(8)(B)) AND within 2 days must contact the previous school to request all the pupil's records. EC § 48853.5(e)(8)(C).
- The PREVIOUS SCHOOL w/in two days must provide the records including any PARTIAL CREDIT'S received, which the new school must accept. Id., EC § 48645.5.
- CWM provides new district/SELPA Director a copy of the IEP and relevant records, contact information of previous school attended, and notice of who holds educational rights, when placing a child in licensed foster home or children's institution. See 2 CCR § 60510; EC § 56156.
- Open IEP assessment must be completed by new/old districts. 20 USC § 1414(b)(3)(D); EC § 56320(i).

Assess For Special Ed & 504 Plan

Referral

Written referral by ed rights holder OR service provider (e.g., teacher, CWM, attorney) to assess youth for SPED & 504 plan (EC § 56029; 34 C.F.R. § 104.35) from birth to age 22. EC § 56026.

Assessment Plan

School must provide assessment plan w/in 15 days to ed rights holder (no SST is required). EC § 56321(a). If school refuses to assess, contact CWM & minor's counsel to discuss next steps.

IEP Meeting

IEP mtg held w/in 60 days of receipt of assessment plan signed by ed rights holder. EC § 56344(a).

Eligible

If pupil qualifies for special ed/5 CCR § 3030), the pupil is eligible for a free appropriate public education (FAPE, e.g., SPED services & accommodations) in the least restrictive environment (LRE, 20 USC § 1412(a)(5)(A)), annual IEP review (EC § 56344(d), & reassessment every 3 years (EC § 56381(a)(2)). If only eligible for a 504 plan, school must create a plan w/ accommodations and services. 34 CFR § 104.3(i).

Not Eligible

If the pupil does not qualify, contact CWM and minor's counsel. If you disagree with the assessment, consider an Independent Educational Evaluation (IEE). EC § 56329(b).

School Discipline

Suspension?

The school must make a reasonable effort to notify the ed rights holder by phone and must provide written notice. EC § 48911(d),(g). 20 days of suspension does not automatically create an expulsion rec. EC § 48903(a).

Manifestation Determination?

School must contact minor's lawyer & social services. EC § 48915.5(d). The MD requires 2 questions:

- (1) was the behavior caused by, or did it have "a direct and substantial relationship" to the pupil's disability; and
 - (2) was the behavior a direct result of the district's failure to implement the IEP?
- If answer is YES to either, pupil cannot be expelled, and school must develop a behavior plan. If the answer is NO to both questions, the pupil may be disciplined like a non disabled peer. 20 USC § 1415(k)(1)(F); 34 CFR § 300.530(e),(f).

Graduation

AB 167/216 allows foster youth to graduate by completing the CA requirements rather than their local district's credit requirements, when 3 requirements are met (EC § 51225.1(a)):

- (1) The foster youth student must have transferred schools after completing their second year of high school, using either the number of credits earned or length of time of enrollment, whichever will make a student eligible.
- (2) The district must find that the pupil is not reasonably able to complete the district's local graduation requirements by the end of their 4th year of high school.
- (3) The pupil must complete all CA graduation requirements.

Notice required: W/in 30 days of student's transfer district must provide notice to student, social worker, and ed right holder re: eligibility.

Note: Students with IEP or 504 plan are exempt from the CA exit exam (CAHSEE). EC § 60852.3.

Extended Suspension / Rec to Expel?

If the pupil is referred for expulsion and suspension is extended b/c the pupil is deemed disruptive or a danger, the school must convene a meeting with the ed rights holder and invite the minor's lawyer and social services designee to the meeting. EC § 48911(g).

Pupil has a Disability?

If the pupil has a disability (IEP or 504 plan), or the school has knowledge of a suspected disability (e.g., referred for an assessment), and the pupil has (1) either been referred for expulsion or (2) been suspended more than 10 days constituting a change in placement, the school must hold a manifestation determination w/in 10 days. 20 USC § 1415(k)(1)(E),(k)(5); 34 CFR § 300.534(b).

Expulsion Hearing?

If the pupil is not disabled or the answer was "no" to both MD questions, the school may hold an expulsion hearing within 30 days of committing any EC 48900 act. EC § 48918(a). Ten days prior to the hearing, written notice must be sent to the student (EC § 48918(b)), and if it's a discretionary act, the minor's attorney and social services designee must be contacted. EC § 48918.1. The pupil may request to postpone the hearing for up to 30 days. EC § 48918(a).

Expulsion Appeal

If expelled, the ed rights holder may appeal within 30 days of the governing board's decision to expel. EC § 48919.

Ed Rights

Std to limited rights for a minor dependent: necessary to protect the child. WIC § 361. (At detention: unwilling, unavailable, unable WIC § 319). Court form: JV-535 & JV-535(A).

• Court must determine whether there is an available, willing adult known to the minor before appointing an unknown adult or ordering an LEA to do so. WIC §§ 319, 726.

SECTION 504 GUIDANCE

SECTION 504 GUIDANCE

Accommodations, supports and interventions for students eligible solely under Section 504 of the Rehabilitation Act and Americans with Disabilities Act **do not** fall under the jurisdiction of the Southwest SELPA or district special education. The SELPA is mandated to coordinate and facilitate services to students under the Individuals with Disabilities Education Act (IDEA) only.

However, as Section 504 eligibility, requirements and services often overlap with those in the IDEA, the SELPA is frequently called upon to provide information and clarification about Section 504. Some students may be eligible for protections and services under IDEA and Section 504; others are eligible under Section 504 only.

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is Congress' directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. It states, *"No otherwise qualified individual with a disability ..., shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...."* Because the school districts in the Southwest SELPA are recipients of federal funding, they are required to provide eligible students with disabilities with equal access (both physical and academic) to services, programs, and activities offered by its schools.

There were two original main purposes to Section 504. The first purpose of Section 504 is to protect students from discrimination under federal law. The ADA provides the same protections. The laws assure access to educational services and the learning process that is equal to that given to students who do not have disabilities. All students who have a physical or mental impairment which substantially limits one or more major life activities, have a record of such an impairment, or are regarded as having such an impairment, are protected from discrimination under Section 504 and ADA.

Section 504 also requires districts to provide a free appropriate public education ("FAPE") to those students who actually have a physical or mental impairment that substantially limits one or more major life activities. The provision of FAPE is accomplished through the creation and implementation of a Section 504 Plan. Only those students who satisfy all three of these criteria are eligible for, and are provided, regular or special education and related aids and services under Section 504. The ADA does not require provision of FAPE through a plan.

Child Find

Each district is required to make information about Section 504 available to all families in the district. In addition, school personnel are required to identify and refer students who have or are suspected of having a disability which would make him/her eligible for services under Section 504.

Eligibility

A student shall be eligible for a Section 504 Plan if they satisfy all of the following criteria:

(1) Physical or Mental Impairment

A student must actually have a mental or physical impairment. A physical or mental impairment means: any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special

sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional, and specific learning disabilities. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The law does not limit eligibility to specific diseases or categories of medical conditions.

(2) Substantially Limits

The student's physical or mental impairment must substantially limit one or more major life activities. Section 504 does not specifically define the term "substantially limits." It is subject to interpretation on a case-by-case basis. Nevertheless, an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as: medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications. Thus, the ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

(3) Major Life Activities

Major life activities include, but are not limited to, caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Learning, reading, concentration, thinking, and communication are typically, but not always, the major life activities utilized to determine Section 504 eligibility in the schools.

Referral

When a student is exhibiting academic, participation, attendance, social and/or behavioral problems the student's school should consider interventions through its professional team process, which may be Student Success Team (SST). This consideration should result in one of three things: general education interventions (such as tiered interventions in a Multi-Tiered System of Supports (MTSS) model, a referral to assess for Section 504 eligibility, and/or a referral for a special education evaluation pursuant to the Individuals with Disabilities Education Act (IDEA). If it is determined that the student should go through Section 504 Eligibility Review, copies of all intervention planning and reporting forms should be forwarded to site personnel responsible for developing the Section 504 Evaluation Plan. The parents should be given a consent form for evaluation under "Section 504 and Parent and Student Rights". Parents also may refer the child for Section 504 consideration at any time.

Evaluation

The District shall evaluate a student who, because of a disability or suspected disability, needs, or is believed to need, special education or related services before taking any action with respect to the initial placement of the student in general or special education and any subsequent significant change in placement.

Once the district receives the signed consent for assessment, the evaluation begins. There is no timeline in the law as to how quickly the evaluation shall be completed, although the law implies it must be "reasonable." Case law seems to support a 60 day timeline as "reasonable" and 90 days as not reasonable. Therefore, adhering to a 60 day timeline is advisable.

When selecting tests and other evaluation materials, the district must ensure that they are: validated for the specific purpose for which they are used; administered by trained personnel in conformance with the instructions provided by their producer; tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

An assessment must be administered in the student's native language. The district may administer and use formal and informal measures as deemed necessary. Evaluation data may draw upon information from a variety of sources, including, but not limited to, observations, testing, reports, district evaluations, medical records, letters from doctors, health care plans, school records, etc.

If a medical assessment is necessary to determine the presence of a disability, the district must ensure that the student receives the assessment at no cost to the parents. A parent may choose to use his or her own resources to obtain a medical evaluation or arrange with the district for reimbursement for evaluation costs, however in no instance may a parent be required to pay for such an evaluation.

As part of the evaluation process, the district may consider reports from doctors, therapists and others.

Once the evaluations are completed, the District should schedule a Section 504 meeting to review the evaluations and to determine whether the student is eligible for a Section 504 Plan.

The team should decide whether the student has a physical or mental impairment that substantially limits one or more major life activities.

If the team determines that the student is eligible to receive a FAPE under Section 504, the team should develop a Section 504 Plan.

The team is made up of a group of individuals, including persons knowledgeable about each of the following: the student; the meaning of the evaluation data being reviewed; and available options for accommodations, supports and services. The team will generally include the parent/guardian and at least one of the student's general education teachers, and, may include other teachers, individuals who can interpret the instructional implications of the assessment results, intervention team members, counselors, related service providers, the student, other school staff and administrators, and individuals who have knowledge or special expertise regarding the student.

Section 504 Plan

Note on the plan the specific accommodations or interventions to be provided.

It is recommended that districts start with ideas of supports that can be provided at little or no extra cost using existing resources at the school, for example, changes in the way the information is presented or how the student is allowed to respond, or physical changes to the educational environment.

Sometimes elements in a Section 504 Plan will result in additional costs to the district or school, such as additional adult support, specialists or changes to the school building. Although there is no funding stream to school districts for these costs, failure to provide the services or supports would be a violation of the law.

A student who is eligible under Section 504 may need special education and related services to address his or her needs. In this case, an evaluation for eligibility under the IDEA may be warranted.

The Section 504 regulations do not specify a frequency of review, but note that districts should establish procedures for “periodic” review of plans. Note on the plan how often and by when the plan will be reviewed. In addition, a re-evaluation is required before a “significant change in placement.”

Inappropriate Uses of Section 504 Plans

- A parent/guardian and/or doctor presents the school with a disability diagnosis and a Section 504 Plan is written without first determining if the disability causes substantial limitation of a major life activity.
- A student is placed on a Section 504 Plan solely because the parent/guardian wants the student to have additional time on college qualifying examinations (e.g., ACT, SAT).
- A student is placed on a Section 504 Plan because the student has a record of impairment or is regarded as being impaired, but the student does not actually have a disability that substantially limits a major life activity.
- A student fails to qualify for special education and related services under the IDEA, but is automatically provided with a Section 504 Plan.
- A student is automatically placed on a Section 504 Plan when the student no longer qualifies for special education services under the IDEA without first qualifying based on Section 504 criteria.
- A student is placed on a Section 504 Plan as an alternative way to receive special education and related services because the parent/guardian refuses to “label” his/her child by including him/her in a special education program; this may also apply in cases where parent/guardian has revoked consent to special education.

Discipline

In disciplinary situations, students who have a Section 504 Plan may be suspended expelled or placed in an alternative interim setting to the same extent these options would be used for children without disabilities. School personnel may also consider any unique circumstances on a case-by-case basis when determining whether a disciplinary removal is appropriate for a child with a disability who violates a code of student conduct.

However, Section 504 requires that, after a child with a disability has been suspended from his or her current placement for or ten (10) school days in the same school year, prior to any subsequent days of suspension prior to moving forward toward expulsion, a manifestation determination meeting must be held. The child's parent/guardian must be invited to participate as a member of this manifestation determination meeting. At the meeting, the team will determine (based upon a review of all relevant information in the student's cumulative file, the Section 504 Plan, any teacher observations, and any relevant information provided by the parent/guardian) whether the student's alleged behavior was a manifestation of his/her disability by answering these questions:

- Whether the conduct in question was caused by, or had a direct and substantial relationship to the student's disability; or,
- Whether the conduct in question was the direct result of District's failure to implement the student's current Section 504 Plan.

If the team answers yes to either question, the alleged misconduct shall be determined to be a manifestation of the student's disability. However, if the team answers no to both questions, the alleged misconduct shall be determined not to be a manifestation of the student's disability and the district may take disciplinary action against the student, such as continuing to suspend or recommending for expulsion, in the same manner as it would with a child without disabilities.

If the student's behavior is determined to be a manifestation of his or her disability, the district develops a positive behavior support plan for the student. If a positive behavior support plan has already been developed, the district will review the plan and modify it as necessary to address the behavior in question.

However, regardless of whether a student's behavior was a manifestation of the student's disability, the district may determine, following assessment, that a change of placement is appropriate for the student. The district may proceed with this change of placement following notice to the parents; consent is not required for a change of placement pursuant to Section 504.

IDEA AND SECTION 504: A Comparison

Component	IDEA	Section 504
Purpose	To provide federal financial assistance to state and local education agencies to assist them to educate children with disabilities.	To eliminate discrimination on the basis of disability in all programs and activities receiving federal financial assistance.
Who is protected?	All school-age children who fall within one or more of 13 specific categories of disability and who, because of such disability, need special education and related services (i.e., intellectual disability, hard of hearing, speech or language impaired, visually impaired, emotionally disturbed, orthopedically impaired, other health impaired, deaf, deaf-blind, multiple disabled, specific learning disabled, autistic, or traumatic brain injured).	All school-age children who have a physical or mental impairment which substantially limits a major life activity have a record of such an impairment or are regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself and performing manual tasks and thinking concentrating, eating, sleeping, lifting, bending reading communicating. Section 504 protects a broader group of students than does the IDEA.
Duty to provide a Free and Appropriate Public Education (FAPE)	Both laws require the provision of FAPE. Section 504 defines FAPE more broadly than does the IDEA.	
	Requires that FAPE be provided to only those protected students who, because of disability, need special education or related services.	Requires that FAPE be provided to only those protected students who, because of disability, need regular education accommodations, special. Education or related services.
	Defines FAPE as special education and related services. A student can receive related services under the IDEA if and only if the student is provided special education and needs related services to benefit from special education.	Defines FAPE as regular or special education and related aids and services. A student can receive related services under Section 504 even if the student is in regular education full-time and is not provided any special education.
	Requires a written IEP document with specific content and a required number of specific participants at the IEP meeting.	Does not require a written IEP document, but does require a plan. It is recommended the district document that a group of persons knowledgeable about the student convened and specified the agreed upon plan of services.

Component	IDEA	Section 504
Special Education vs. Regular Education	A student is protected by the IDEA, if and only if: because of	A student is protected by Section 504 regardless of whether the

Component	IDEA	Section 504
	disability, the student needs special education.	student needs special education. Some students protected by Section 504 are in regular education full-time and are not provided any special education.
Funding	Provides additional funding for protected students.	Does not provide additional funds. IDEA funds may not be used to serve students protected only under Section 504.
Procedural Safeguards	Both laws require prior notice to parents or guardians with respect to the identification, evaluation and/or placement of protected students. IDEA procedures will suffice for Section 504 implementation.	
Evaluations	Both laws require that tests and other evaluation materials: 1. Be validated for the specific purpose for which they are used; 2. Be administered by trained personnel in conformance with the instructions provided by their producer, 3. Include those tailored to assess specific areas of educational need; and 4. Be selected and administered to assure that the test results accurately reflect whatever factors the test purport to measure.	
	Requires informed consent before an initial evaluation is conducted.	Same as IDEA.
	Requires re-evaluations to be conducted at least every 3 years.	Requires periodic re-evaluations. IDEA schedule for re-evaluation will suffice.
	A re-evaluation is not required before a change of placement. However, an IEP team should review current evaluation data, including progress towards goals and objectives when considering a significant change of placement. When data are insufficient to answer questions regarding the appropriateness of the special education and related services being considered, then a re-evaluation is required.	Requires re-evaluation before a significant change in placement.
	Provides for independent educational evaluation at district expense if parent disagrees with evaluation	No provision for independent evaluations at district expense. However, a district must carefully

Component	IDEA	Section 504
	obtained by school and hearing officer concurs.	consider any such evaluations presented.

A COMPARISON of ADA, IDEA, and Section 504

The Americans with Disabilities Act of 1990 (ADA), the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act of 1973 represent three attempts to improve the living conditions of those with disabilities.

Type and purpose

ADA

A civil rights law to prohibit discrimination solely on the basis of disability in employment, public services, and accommodations.

IDEA

An education act to provide federal financial assistance to State and local education agencies to guarantee special education and related services to eligible children with disabilities.

504

A civil rights law to prohibit discrimination on the basis of disability in programs and activities, public and private, that receive federal financial assistance.

Who is protected?

Any individual with a disability who: (1) has a physical or mental impairment that substantially limits one or more life activities; or (2) has a record of such impairment; or (3) is regarded as having such an impairment. Further, the person must be qualified for the program, service, or job.

Children ages 3-21 who are determined by a multidisciplinary team to be eligible within one or more of 13 specific disability categories and who need special education and related services. Categories include autism, deafness, deaf-blindness, hearing impairments, mental retardation, multiple disabilities, orthopedic impairments, other health impairments, serious emotional disturbance, specific learning disabilities, speech or language impairments, traumatic brain injury, and visual impairments

Any person who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such an impairment or (3) is regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.

Provides for a free, appropriate public education (FAPE)

ADA

Not directly. However, (1) ADA protections apply to nonsectarian private schools, but not to organization or private schools, or entities controlled by religious organization; (2) ADA provided additional protection in combination with actions brought under Section 504. Reasonable accommodations are required for eligible students with a disability to perform essential functions of the job. This applies to any part of the special education program that may be community-

IDEA

Yes. A FAPE is defined to mean special education and related services. Special education means "specially designed instruction at no cost to the parents, to meet the unique needs of the child with a disability..." Related services are provided if students, require them in order to benefit from specially designed instruction. States are required to ensure the provision of "full educational opportunity" to all children with disabilities. IDEA requires the development of an Individualized Education Program

504

Yes. An "appropriate" education means an education comparable to that provided to students without disabilities. This may be defined as regular or special education services. Students can receive related services under Section 504 even if they are not provided any special education. Section 504 does require development of a plan, although this written document is not mandated. The Individualized Education Program (IEP) of IDEA may be used for the Section 504 written plan. Many experts recommend that

based and involve job training/placement.

(IEP) document with specific content and a required number of participants at an IEP meeting.

a group of persons knowledgeable about the students convene and specify the agreed-upon services.

Funding to implementservices

ADA

No, but limited tax credits may be available for removing architectural or transportation barriers. Also, many federal agencies provide grant funds to support training and to provide technical assistance to public and private institutions.

IDEA

Yes. IDEA provides federal funds under Parts B and C to assist states and local education agencies in meeting IDEA requirements to serve infants, toddlers and youth with disabilities.

504

No. State and local jurisdictions have responsibility. IDEA funds may not be used to serve children found eligible under Section 504.

Proceduralsafeguards

ADA

The ADA does not specify procedural safeguards related to special education; it does detail the administrative requirements complaint procedures, and consequences for noncompliance related to both services and employment.

IDEA

IDEA requires written notice to parents regarding identification, evaluation, and/or placement. Further, written notice must be made prior to any change in placement. The Act delineates the required components of the written notices.

504

Section 504 requires notice to parents regarding identification, evaluation and/or placements. Written notice is recommended. Notice must be made only before a "significant change" in placement. Following IDEA procedural safeguards is one way to comply with Section 504 mandates.

Evaluation and placement procedures

The ADA does not specify evaluation and placement procedures: it does specify provision of reasonable accommodations for eligible activities and settings. Reasonable accommodations may include, but are not limited to, redesigning equipment, assigning aides, providing written communication in alternative formats, modifying tests, redesigning services to accessibility locations, altering existing facilities, and building new facilities.

A comprehensive evaluation is required. A multidisciplinary team evaluates the child, and parental consent is required before evaluation. IDEA requires that reevaluations be conducted at least every 3 years. For evaluation and placement decisions, IDEA requires that more than one single procedure or information source be used; that information from all sources be documented and carefully considered; that the eligibility decision be made by a group of persons who know about the student, the evaluation data, and placement options; and that the placement decision serves the student in the least restrictive environment. An IEP meeting is required before any change in placement.

Unlike IDEA, Section 504 requires only notice, not consent, for evaluation. It is recommended that district obtain parental consent. Like IDEA evaluation and placement procedures under Section 504 require that information be obtained from a variety of sources of the area of concern; that all data are documented and considered; and that decisions are made by a group of persons knowledgeable about the student, evaluation data, and placement options. Section 504 requires that students be educated with their non-disabled peers to the maximum extent appropriate. Section 504 does not require a meeting for any change in placement.

Due process

ADA

The ADA does not delineate specific due process procedures. People with disabilities have the same remedies that are available under the Title VII of the Civil Rights Act of 1964, as amended in 1991. Thus, individuals who are discriminated against may file a complaint with the relevant federal agency or due in federal court. Enforcement agencies encourage informal mediation and voluntary compliance.

IDEA

IDEA delineates specific requirements for local education agencies to provide impartial hearings for parents who disagree with the identification, evaluation, or placement of a child.

504

Section 504 requires local education agencies to provide impartial hearings for parents who disagree with the identification, evaluation, or placement of a student. It requires that parents have an opportunity to participate in the hearing process and to be represented by counsel. Beyond this, due process details are left to the discretion of the local education agency. It is recommended that districts develop policy guidelines and procedures.

SPECIAL CIRCUMSTANCE INSTRUCTIONAL ASSISTANCE (SCIA)

SPECIAL CIRCUMSTANCE INSTRUCTIONAL ASSISTANCE (SCIA)

Introduction

Every school district within the Southwest SELPA is required to provide a full continuum of placement options for students with identified disabilities who are receiving special education services. The Individuals with Disabilities Education Act (IDEA) and California laws and regulations describe a continuum of placement such as instruction in general education classes, special education classes, special schools, home instruction, and instruction in hospitals and institutions (CFR 300.551(b)(1)).

Each school district is comprised of highly qualified employees to service student with special education needs. Board Policies determine conditions for employee's duties, hours and contractual agreements. The following is information to assist districts when making decisions for allocating staff support.

The IDEA also defines related services as the utilization of aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate. This applies to any general education program or special education program in which the student may participate (34 CFR 300.550-300.556). There may be special circumstances when a student may need additional support in order to be successful in his/her educational placement.

A goal for any student with special needs is to encourage, promote, and maximize independence. The Individualized Education Plan (IEP) team is responsible for developing and implementing a program that promotes that independence. Natural supports and existing staff supports should be used whenever possible.

The purpose of this document is serve as a guideline for school districts in determining the need for SCIA support.

Considerations

If the IEP team is considering Special Circumstance Instructional Assistance (SCIA) as a support for the classroom staff, the team must determine:

1. Natural supports and/or existing staff supports are not adequate for the student to participate and progress in the general education program;
2. Additional support is necessary to assist classroom staff in facilitating the student in
 - a. making adequate progress toward the annual goals and/or;
 - b. involvement in and progress in the general curriculum and/or;
 - c. participation in extracurricular and other nonacademic activities and/or;
 - d. participation with other disabled and non-disabled students
3. How the support can be faded and develop a method for systematic evaluation toward independence and more natural supports.

If the IEP team recommends an SCIA, the team is also responsible for monitoring for the appropriate time to fade the support. If not carefully monitored and evaluated on a regular basis, additional paraprofessional support can unintentionally foster dependence.

Determination of Need

In some cases, the need for SCIA support can be determined using existing data. Most often, it is anticipated that an Assessment Plan will need to be developed in order to collect necessary data to bring to the IEP team.

At regular intervals, designated members of the IEP team should use tools to collect data to determine the level of assistance needed and continue to monitor to determine if the service continues to be needed. As the student's level of independence or ability to use natural supports increases, behavior improves or the make-up of the class changes, the assistance should be faded.

It is important that the team consider each type of assistance listed below in order to determine if the student needs assistance from the SCIA with a particular activity and to estimate the amount of time that will be needed.

1. Health/Personal Care
 - a. Self-help and bathroom needs
 - b. Assistance with feeding during snack and lunch
 - c. Specialized physical health care
 - d. Assistance with medical needs (district should consider doctor's recommendations)
2. Behavior
 - a. Implementation of positive behavior support plan
 - b. Collect data related to the positive behavior support plan
3. Instruction
 - a. Curriculum adaptations under the direction of the teacher
 - b. Support to stay on-task or provide follow-up instruction
4. Inclusion
 - a. Recess (maintain safety, facilitate social interaction)
 - b. Assistance with transition
 - c. Assistance with a particular classroom activity

The following forms may assist the team in determining the need for SCIA support:

1. Suggested Pre-Referral Activities
2. Rubric to Determine Need for Special Circumstance Instructional Assistance
3. School Day Description and Assistance Needed

4. Suggested Documentation by Area of Need

Documentation

1. If the IEP team agrees that SCIA support is needed for a particular student, the team should specify areas of need that will be supported in the notes page.
2. For each area in which SCIA support is being provided due to lack of skill or independence, the IEP team should write a goal. Some areas, such as health/personal care need may not be appropriate for goals.
3. If the additional SCIA support is required as a result of a child's behavior difficulties, the child's IEP should include a Behavior Intervention Plan.
4. For areas in which increase independence is possible, note the means for evaluating where the SCIA support continues to be needed on the notes page. In these cases, it is suggested the team write a systematic plan to address how the support will be monitored and faded as independence increases.
5. When a SCIA is provided to assist a child on a short-term basis (i.e. transition to a new program), the written plan should specify the level of independence to be achieved before the SCIA is faded/removed, or a date when the SCIA is discontinued.

Evaluation, Monitoring, Fading

The student's case manager is responsible for monitoring and fading of the SCIA. When it is appropriate to begin fading SCIA support, the IEP team should develop a fading plan that is included in the student's IEP. A professional, usually the case manager, should develop a system for data collection, review the data and provide the SCIA with strategies for fading and promoting increased student independence and goal attainment. The data should be reviewed on a regular basis, make adjustments to the plan and determine when criteria for fading have been met. Major changes to the plan would require an IEP Addendum.

If there is a goal which reflects the area in which SCIA support is being provided, then data collection on progress toward that goal would be sufficient.

Guidelines for the IEP

- Develop goals and objectives that contain reduced levels of support and prompting to be used as measures of the need for SCIA support.
- Include specific plan for reinforcement of Positive Intervention Plan
- Specify accommodations/modifications to be provided as needed or as requested by the student.
- Specify criteria for fading measures to be used, who will review and how often in the plan for fading on the notes page.

The following forms may assist the team in developing a plan to fade SCIA support:

1. IEP Goals and Objectives Charting
2. Task Analysis Data

Pre-Referral Considerations

1. Classroom schedule:

- a. Is the classroom schedule posted? ☐ Yes ☐ No
- b. The following elements are included in the classroom schedule:
- | | |
|--------------------------------------|------------------------------------|
| ☐ Times | ☐ Students |
| ☐ Activities | ☐ Locations |
| ☐ Staff names | |

2. Schedule for individual student:

- a. Is there an individual student schedule ☐ Yes ☐ No
- b. Student uses the following format for individualized schedule:
- | | |
|-------------------------------------|----------------------------------|
| ☐ Object | ☐ Icon |
| ☐ Photograph | ☐ Word |
| ☐ Picture | ☐ Planner |
- c. Student's ability to follow the schedule:
- | | |
|---|--|
| ☐ Independent | ☐ With physical prompts |
| ☐ With verbal prompts | ☐ Inconsistent |
| ☐ With gesture prompts | |
- d. Student use of the schedule:
- | |
|---|
| ☐ Student carries schedule |
| ☐ Student uses transition cards |
| ☐ Student goes to schedule board |
| ☐ Teacher carries and shows schedule |
| ☐ Inconsistent |
- e. Room is arranged with structure to correlate with tasks on schedule:
- | |
|--|
| ☐ Areas for one-to-one work |
| ☐ Area for group work |
| ☐ Area for independent work |
| ☐ Area for leisure |
| ☐ Not applicable |

3. Curriculum and instruction:

- a. Are materials and activities differentiated for student's:
- | | |
|---|-----------------|
| ☐ Chronological age? | Describe: _____ |
| ☐ Ability level? | Describe: _____ |
| ☐ Interest level? | Describe: _____ |

- b. List equipment or devices used / available that may relate to the need for assistance:

4. Behavior Support

- a. Are there problem behaviors interfering with learning? ☐ Yes ☐ No
- b. Does the student have a Positive Behavior Support Plan? ☐ Yes ☐ No
- c. Is the Behavior plan based on a Function Behavior Analysis (FBA) or Functional Analysis Assessment (FAA):
☐ Yes ☐ No ☐ In process ☐ Need to initiate
- d. Are all necessary staff implementing the Positive Behavior Support Plan? ☐ Yes ☐ No
- e. How effective is the plan in addressing the student's needs?
☐ Very ☐ Moderately ☐ Mildly ☐ Not at all
- f. Describe anticipated level of support to implement plan (i.e. frequency of reinforcement, prompting, redirection):

- g. What supports exist for implementing the plan? (i.e. self-monitoring, staff support):

5. Current data systems and collection of data:

- a. Is there current data on each IEP goal and/or behavior plan? ☐ Yes ☐ No
- b. Data records include
☐ Date ☐ Level of independence
☐ Task ☐ Level of progress
- c. Data is collected:
☐ Daily ☐ Other:
☐ Weekly ☐ Monthly

Number of settings:

- d. Describe how the data is analyzed and used to inform decisions:

- e. How is the data shared with IEP members including parents?

6. Check and describe other supports currently provided:

- ☐ Training for instructional staff:
- ☐ Consultation for the classroom staff:
- ☐ In-class coaching:
- ☐ Other:

Suggested Documentation by Area of Need

HEALTH ☐ SCIA Rubric ☐ Student Schedule ☐ Health Records Specialized ☐ Health Care Plan School Day ☐ Description	BEHAVIOR ☐ Pre-referral Activities Checklist SCIA ☐ Rubric ☐ Student Schedule ☐ Psychoeducational Reports ☐ Progress Reports on IEP goals ☐ Behavior Support /Intervention Plan ☐ Behavioral Data ☐ Discipline Referrals ☐ School Day Description
INSTRUCTION ☐ Pre-referral Activities Checklist ☐ SCIA Rubric ☐ Student Schedule ☐ Psychoeducational Reports ☐ Progress Reports on IEP goals ☐ Academic progress assessments ☐ School Day Description	INCLUSION ☐ Pre-referral Activities Checklist SCIA ☐ Rubric ☐ Student Schedule ☐ Psychoeducational Reports ☐ Progress Reports on IEP goals ☐ Academic progress assessments ☐ Behavior Support/Intervention Plan ☐ Behavioral Data ☐ Discipline Referrals ☐ Health Records ☐ School Day Description

Rubric to Determine Need for Special Circumstance Instructional Assistance

Student: _____

DOB: _____

Program/School: _____

Eligibility: _____

Date: _____

Teacher: _____

Title: _____

Completed by: _____

	Health/Personal Care	Behavior	Instruction	Inclusion
0	General good health. No specialized health care, or procedure, or medications taken. Independently maintains all "age appropriate" personal care.	Follows adult directions without frequent prompts or class supervision. Handles change and redirection. Usually gets along with peers and adults. Seeks out friends.	Participates full in whole class instruction. Stays on task during typical instruction activity. Follows directions with a few to no additional prompts.	Participates in some core curriculum within general education class and requires few modifications. Can find classroom. Usually socializes well with peers.
1	Mild or occasional health concerns. Allergies or other chronic health conditions. No specialized health care procedure. Medication administration takes less than 10 minutes time. Needs reminders to complete "age appropriate" personal care activities.	Follows adult direction but occasionally requires additional encouragement and prompts. Occasional difficulty with peers or adults. Does not always seek out friends but plays if invited.	Participates in groups at instructional level but may require additional prompts, cues, or reinforcement. Requires reminders to stay on task, follow directions, and to remain engaged in learning.	Participates with modification and accommodation. Needs occasional reminders of room and schedule. Requires some additional support to finish work and be responsible. Needs some social cueing to interact with peers appropriately.
2	Chronic health issues, generic health care procedure. Takes medication. Health care intervention for 10-15 minutes daily (diet, blood sugar, medication). Requires reminders and additional prompts or limited hands on assistance for washing hands, using bathroom, wiping mouth, shoes, buttons, zippers, etc. Occasional toileting accidents.	Has problems following directions and behaving appropriately. Can be managed adequately with a classroom behavior support plan, but unable to experience much success without behavior support plan implementation.	Cannot always participate in whole class instruction. Requires smaller groups and frequent verbal prompts, cues, or reinforcement. On task about 50% of the time with support. Requires more verbal prompts to follow directions. Requires signing 50%-70% of the time.	Participates with visual supervision and occasional verbal prompts. Requires visual shadowing to get to class. Needs modifications and accommodations to benefit from class activities. Regular socialization may require adult facilitation.
3	Specialized health care procedure and medication. Limited mobility. Physical limitations requiring assistance (stander, walker, gait trainer or wheelchair). Special food prep or feeding. Health or sensory interventions 15-45 min. daily. Frequent physical prompts and direction assistance for person care. Requires toilet schedule, training, direct help, diapering.	Serious behavior problems almost daily. Defiant and/or prone to physical aggression which may be harmful to self or others. Requires a Behavior Intervention Plan (BIP) and behavior goals and objectives on the IEP. Requires close visual supervision to implement BIP.	Difficulty participating in a large group. Requires low student/staff ratio, close adult proximity, and prompts including physical assistance to stay on task. Primarily complies only with 1:1 directions and monitoring. Abilities and skills require strategies/adaptations not typical for class as a whole, such as: Discrete Trial, ABA, Structured Teaching, PECS or Assistive Technology. Requires signing over 80% of time.	Does not participate without staff in close proximity for direct instruction, safety, mobility, or behavior monitoring. Requires adult to facilitate social interaction with peers and remain in close proximity at all times. Difficulty following school routines & schedules. Needs direct support to get to & from class.
4	Very specialized health care procedure requiring care by specially trained employee (G tube, tracheotomy, catheterization). Takes medication, requires positioning or bracing multiple times daily. Health or sensory related interventions 45 min. or more daily. Direct assistance with most person care. Requires two-person lift. Direct 1:1 assistance 45 min or more daily.	Serious behavior problems with potential for injury to self and others, runs away or aggressive on a daily basis. FAA or FBA has been completed and the student has a well-developed BIP that must be implemented to allow the student to safely attend school. Staff has been trained in the management of assaultive behaviors.	Does not participate in a group without constant 1:1 support. Requires constant verbal and physical prompting to stay on task and follow directions. Regularly requires specific 1:1 instructional strategies to benefit from the IEP. Cognitive abilities and skills require significant accommodation and modification not typical for the class group. Requires signing 100% of the time.	Participation may require additional staff for direct instructional and behavioral support. Requires direct supervision going to and from class. Always requires modifications and accommodations for class work. Rarely interacts with or is interested in peers.

School Day Description and Assistance Needed

Describe the school day, the assistance now provided, and the assistance needed.

[illegible]

IEP GOALS AND OBJECTIVES CHARTING

Student:

School Year: _

Levels of Assistance

- 1 = Independent
- 2 = Gesture / Non-Verbal Cue
- 3 = Verbal Cue

- 4 = Model
- 5 = Physical Prompt

Goals/Objectives	Dates								

Comments: _____

TASK ANALYSIS DATA

Goal: _____

Levels of Assistance

1 = Independent

2 = Gesture / Non-Verbal Cue

3 = Verbal Cue

4 = Model

5 = Physical Prompt

N/A = Not Applicable

Steps	Dates								

Comments: _____

TECHNIQUES TO PROMOTE INDEPENDENCE

1. Watch before assisting. Can the student ask for help from the teacher or a peer? Can the student problem solve on his/her own?
2. Give the student extra time to process and respond before assisting.
3. Have high expectations as to what the student understands or can do independently.
4. Provide consistent classroom schedule (posted, visual, at desk if needed, reinforcement periods included.) Teach the student how to use it.
5. Start with the least intrusive prompts to get the student to respond:
 - a. Gestural, hand or facial signals
 - b. Timer
 - c. Verbal
 - d. Light / Partial Physical
 - e. Hand over Hand
6. Prompt, then back away to allow independent time.
7. Use strengths and weakness, likes and dislikes to motivate student participation and interest.
8. Model; guide (watch and assist); check (leave and checkback)
9. Teach independence skills (raising hand, asking for help, modeling other students.)
10. Praise for independent attempts.
11. Direct the student to answer to the teacher.
12. Prompt the student to listen to the teacher's instructions. Repeat only when necessary.
13. Encourage age appropriate work habits. See what other students are doing.
14. Be aware of proximity. Sit with the student only when necessary.
15. Encourage peer assistance and partnering. Teach peers how to help, not enable.
16. Utilize self-monitoring checklists for the student.
17. Color code materials to assist with organization.
18. Use transition objects to help student anticipate/complete transition (i.e., head phones for listening center).
19. Break big tasks into steps.
20. Use backward chaining (i.e., leave the last portion of the cutting task for the student, then gradually lengthen the task).
21. Assist in encouraging a means for independent communication (i.e., PECS).
22. Provide positive feedback (Be specific to the situation).
23. Ask facilitative questions ("What comes next?" "What are other students doing?" "What does the schedule say?" "What did the teacher say?")
24. Give choices.
25. Maintain a log to track independence and need for assistance.
26. Establish teacher/Paraeducator signal to cue the Paraeducator to intervene.
27. Make sure the class perceives you are there to help everyone, not just one student.

SPECIAL CIRCUMSTANCES INSTRUCTIONAL ASSISTANT SAMPLE GOALS AND OBJECTIVES

Health / Personal Care		
By		when being fed via a “G-tube”, student will cooperate with staff to complete the Health procedure by not pushing staff or objects away two times a day with only one verbal prompt per day for 5 consecutive days as measured by data.
1.	By	_____ when being fed via a “G-tube”, student will cooperate with staff to complete the Health procedure by not pushing staff or objects away two times a day with physical and verbal prompts for 5 consecutive days as measured by data.
2.	By	_____ when being fed via a “G-tube”, student will cooperate with staff to complete the Health procedure by not pushing staff or objects away two times a day with only two verbal prompts per day for 5 consecutive days as measured by data.
By		when being fed and food has been scooped with hand over hand prompting, student will lift spoon to mouth and put food into mouth, chew food and swallow food and return spoon to plate with no physical prompt for at least 6 times per session for 4 out of 5 consecutive days as measured by data.
1.	By	_____ when being fed and food has been scooped with hand overhand prompting, student will lift spoon to mouth and put food into mouth, chew food and swallow food and return spoon to plate with no physical prompt for at least 2 times per session for 4 out of 5 consecutive days.
2.	By	_____ when being fed and food has been scooped with hand overhand prompting, student will lift spoon to mouth and put food into mouth, chew food and swallow food and return spoon to plate with no physical prompt for at least 4 times per session for 4 out of 5 consecutive days.
By		when being toilet trained, student will participate in the toileting routine (pull pants down, sit/stand at toilet, use toilet paper, pull pants up, flush, wash hands) and remain dry throughout the day for 4 out of 5 trial days as measured by staff data.
1.	By	_____ when being toilet trained, student will participate in the toileting routine (pull pants down, sit/stand at toilet, use toilet paper, pull pants up, flush, wash hands) and remain dry throughout the day for 2 out of 5 trial days as measured by staff data.
2.	By	_____ when being toilet trained, student will participate in the toileting routine (pull pants down, sit/stand at toilet, use toilet paper, pull pants up, flush, wash hands) and remain dry throughout the day for 3 out of 5 trial days as measured by staff data.
Behavior		
By		when in a conflict situation, student will request staff assistance to solve the problem without name calling or hitting others 4 out of 5 occasions over 5 consecutive trial days as measured by data.
1.	By	_____ when in a conflict situation, student will request staff assistance to solve the problem without name calling or hitting others 2 out of 5 occasions over 5 consecutive trial days as measured by data.

2. By _____ when in a conflict situation, student will request staff assistance to solve the problem without name calling or hitting others 3 out of 5 occasions over 5 consecutive trial days as measured by data.

By _____ when given a direction, student will follow that direction within 30 seconds without protest or complaining 4 out of 5 requests for 5 consecutive trial days as measured by staff.

1. By _____ when given a direction, student will follow that direction within 30 seconds with no more than 3 protests or complaints 4 out of 5 requests for 5 consecutive trial days as measured by staff.

2. By _____ when given a direction, student will follow that direction within 30 seconds with no more than 1 protest or complaint 4 out of 5 requests for 5 consecutive trial days as measured by staff.

By _____ during unstructured time, student will keep hands and feet to self and refrain from negative comments to others with at least 20 points earned for behavior for 5 consecutive days as measured by staff data records.

1. By _____ during unstructured time, student will keep hands and feet to self with at least 20 points earned for behavior for 5 consecutive days as measured by staff data records.

2. By _____ during unstructured time, student will refrain from negative comments to others with at least 20 points earned for behavior for 5 consecutive days as measured by staff data records.

By _____ when work becomes difficult or tiring the student will ask for adult help to complete school tasks instead of verbal outbursts on 4 out of 5 situations over 5 trial days as measured by staff data.

1. By _____ when work becomes difficult or tiring the student will ask for adult help to complete school tasks instead of verbal outbursts on 4 out of 5 situations over 5 trial days as measured by staff data.

2. By _____ when work becomes difficult or tiring the student will ask for adult help to complete school tasks instead of verbal outbursts on 4 out of 5 situations over 5 trial days as measured by staff data.

Instruction

By _____ student will compose/write a complete sentence including correct grammar, syntax and spelling with 80% accuracy for 5 consecutive trial days as measured by work samples.

1. By _____ student will compose/write a complete sentence including correct grammar and syntax spelling with 80% accuracy for 5 consecutive trial days as measured by work samples.

2. By _____ student will compose/write a complete sentence including correct spelling with 80% accuracy for 5 consecutive trial days as measured by work samples.

By _____ **student will improve comprehension skills by answering questions on main idea and specific details following reading of short stories within his reading level with 75% accuracy for 5 consecutive trial days as measured by test results.**

1. By _____ student will improve comprehension skills by answering questions on main idea following reading of short stories within his reading level with 75% accuracy for 5 consecutive trial days as measured by test results.
2. By _____ student will improve comprehension skills by answering questions on specific details following reading of short stories within his reading level with 75% accuracy for 5 consecutive trial days as measured by test results.

By _____ **when given two objects that are same as the staff's, student will match the like object 4 out of 5 times for 5 consecutive trial days as measured by staff data.**

1. By _____ when given two objects that are same as the staff's, student will match the like object 4 out of 5 times for 5 consecutive trial days as measured by staff data.
2. By _____ when given two objects that are same as the staff's, student will match the like object 4 out of 5 times for 5 consecutive trial days as measured by staff data.

By _____ **when given a matching work task with at least 10 items to be sorted, student will sort items into two different categories with 8 out of 10 correct for 5 consecutive trial days as measured by staff data.**

1. By _____ when given a matching work task with at least 10 items to be sorted, student will sort items into two different categories with 8 out of 10 correct for 5 consecutive trial days as measured by staff data.
2. By _____ when given a matching work task with at least 10 items to be sorted, student will sort items into two different categories with 8 out of 10 correct for 5 consecutive trial days as measured by staff data.

Inclusion

By _____ **student will participate in a general education kindergarten class by following directions given to whole class, with no prompts, 4 of 5 times on 5 consecutive trial days as measured and recorded by staff.**

3. By _____ student will participate in a general education kindergarten class by following directions given to whole class, with verbal prompts, 4 of 5 times on 5 consecutive trial days as measured and recorded by staff.
4. By _____ student will participate in a general education kindergarten class by following directions given to whole class, with gestural or indirect prompts, 4 of 5 times on 5 consecutive trial days as measured and recorded by staff.

By _____ student will participate in a general education 3rd grade class by completing the modified classwork, as developed by the teacher and instructional assistant with 75% accuracy over 5 consecutive trial days as measured by student work.

3. By _____ student will participate in a general education 3rd grade class by completing the modified classwork, as developed by the teacher and instructional assistant with 75% accuracy over 2 consecutive trial days as measured by student work.

4. By _____ student will participate in a general education 3rd grade class by completing the modified classwork, as developed by the teacher and instructional assistant with 75% accuracy over 4 consecutive trial days as measured by student work.

[District Letterhead]

Cover Memo

Reporting of Out-of-State Nonpublic, Nonsectarian School and Agency Placement

TO: Interagency-Nonpublic Schools/Agencies Unit, Special Education Division

FROM: (District Superintendent)

As required by EC 56365 9 (f), attached you will find the report form regarding a student in our district that has been placed with an out-of-state nonpublic school/nonpublic agency.

_____ District Superintendent

Date

cc: Southwest SELPA Office

Reporting of Out-of-State Nonpublic, Nonsectarian School/Agency Placement

California *Education Code* 56365(f)

This report is required to be submitted within 15 days of the placement decision to:

Interagency-Nonpublic Schools/Agencies Unit
 Special Education Division
 California Department of Education
 1430 N Street, Suite 2401
 Sacramento, CA 95814
 Phone 916-327-0141 FAX: 916-327-5233

1	Placing Agency Information		
	Placing Agency:		
	Address:		
	City:	State:	ZIP Code:
	Contact Person :	Telephone:	
	Signature:		

2.	Student Information	
	Student ID# :	Date of Birth:

4..	Nonpublic School/Agency (NPS/A) Information		
	NPS/A Name:		
	Is the NPS/A currently California-certified? ☐ Yes ☐ No (Requires Waiver)		
	Address:		
	City:	State:	ZIP Code:
	Contact Person:	Telephone:	
	Date of Placement:	For School Year(s):	
	Anticipated Date of Return to a California Placement:		

5.	Out-of-State Pupil Placement and Costs	
	<i>Note: Continue description in Item 6. Use additional sheets, if necessary.</i>	
	Check appropriate box	
	☐	Full Day NPS Placement
	☐	Partial Day NPS Placement
	☐	Residential NPS Placement
	☐	Full Day NPA Placement
☐	Partial Day NPA Placement	

6.	Describe Out-of-State Pupil Placement and Costs

7.	Related Services. List and identify cost of related service(s). Use additional sheets, if necessary.

8.	Describe the efforts to locate an appropriate public school, NPS/A, or a combination, thereof, within the State of California.

Appendix A Sample Agenda

Southwest SELPA

Alternative Dispute Resolution Services

Name of Student

Date

Time of meeting

- Introductions by participants (and each explain role for this meeting)
 - Decisions to be made
 - Review proposed Agenda/ Adopt proposed Agenda
 - Parent rights
 - Decision making process (and when consensus cannot be reached)
 - Ground rules
1. **Present Levels of Performance**
(What is it the student KNOWS, UNDERSTANDS, & IS ABLE TO DO NOW?)
 - Review remaining assessment information
 - Review progress on current goals and objectives
 - Student weaknesses (needs)
 2. **Determine Goals and Objectives from the established weaknesses**
(What is it we want the student to KNOW, UNDERSTAND & BE ABLE TO DO one year from now?)
 3. **Determine Appropriate Placement**
(What is the least restrictive environment (LRE) in which these goals and objectives are likely to be achieved?)
 - modifications, accommodations and supports needed in the LRE
 - amount of time student will NOT be in a general education setting
 4. **Determine related services needed based on goals and objectives (including frequency and duration)**
 5. **Ending**
 - Confirm agreements, including signatures
 - Determine schedule for next IEP review
 - Action plan for follow-up

Appendix B Adaptations, Accommodations & Modifications

BEST PRACTICES

ADAPTATIONS, ACCOMMODATIONS & MODIFICATIONS

Federal and State Guidance

The inclusion of all students in statewide assessment and accountability systems is not merely a legal obligation; it is a mechanism for ensuring that all students, including those with disabilities, are included in the general education curriculum. Federal and state laws stress the importance of documenting accommodations and/or modifications for instruction and assessment in the student's IEP as noted below:

- . . . a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child [Title 20 U.S.C. 1414 Section 614(d)(1)(A)(IV)]
- A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and district wide assessments [in Title 20 noted above and 30 EC56345]

Access to the General Education Curriculum

The IDEA and California Education Code require that each identified child with a disability is provided access to the general education curriculum. An ideal model works with the student to gain the most out of the content material and maximizes the students' ability to access the curriculum. Supports should not be determined by the disability label; instead supports should be used when the instructional or social activity warrants the need for assistance. A comprehensive service delivery model will include the options of making adaptations, accommodations, and/or modifications to the general education curriculum.

Accommodations

An accommodation is a change in the course, standard, test preparation, location, timing, scheduling, expectation, student response, or other attributes that provides access for a student with a disability to participate in a course, standard or test, and does not fundamentally alter or lower the standard or expectation of the course, standard or test. Accommodations provide students with disabilities and equal opportunity to participate in the general education curriculum.

CDE's Accommodations Guide provides the following information and examples.

- **Presentation:** allow students to access information in ways that do not require them to visually read standard print. These alternate modes of access are auditory, multi-sensory, tactile, and manual.
Example: A student with visual impairment may require or may use Braille.
- **Response:** allow students to complete activities, assignments, and assessments in different ways or to solve or organize problems using some type of assistive device or organizer. **Example:** A student may require an alternative method of responding, such as using a scribe.
- **Setting:** change the location in which an assignment or a test is given or the conditions of the assessment setting.
Example: A student may need to work in a separate room or away from the group.
- **Timing and Scheduling:** increase the typical length of time to complete an assignment or assessment and perhaps change the way the time allotted is organized.
Example: A student may take as long as reasonably needed to complete an assessment, including taking portions over several days.

Based on the "Nine Types of Curriculum Adaptations" by Diana Browning Wright the following adaptations are considered an accommodation if the student can demonstrate mastery of the standard on an assessment.

- **Quantity** – Adapt the number of items that the learner is expected to learn or number of activities a student will complete prior to assessment for mastery.
- **Time** – Adapt the time allotted and allowed for learning, task completion, or testing.
- **Level of Support** – Increase the amount of personal assistance to keep the student on task or to reinforce or prompt use of specific skills.
- **Input** – Adapt the way instruction is delivered to the learner by using visual aids, enlarged text, concrete examples, hands-on activities and/or pre-taught lessons.
- **Difficulty** – Adapt the skill level, problem type or the rules on how the learner may approach the work through the use of a calculator or simplify task directions.
- **Output** – Adapt how the student can respond to instruction.

- **Participation** – Adapt the extent to which a learner is actively involved in the task.

Modifications

An adaptation is considered a modification if the student will not demonstrate mastery of the standard on an assessment. A modification is a change in the course, standard, test preparation, location, timing, scheduling, expectation, student response, or other attribute that provides access for a student with a disability to participate but fundamentally alters or lowers the standards or expectations.

The CDE Accommodations Guide notes that using modifications may result in implications that could adversely affect students throughout their educational careers. Modifications can increase the gap between achievement of students with disabilities and expectations for proficiency at a particular grade level. A modified program has learning outcomes which are substantially different from the prescribed curriculum, and specifically selected to meet the student's special needs. Therefore, it is recommended that the IEP team members discuss the impact of a modified program/grades on the requirements for graduation requirements.

For example, a ninth grade student in a modified math program might be focused on functional computation skills in the context of handling money and personal budgeting.

Based on the “Nine Types of Curriculum Adaptations” by Diana Browning Wright the following are considered a modification if the student will not demonstrate mastery of the standard on an assessment. If routinely utilized, these adaptations are modifications.

- **Alternate Goals** – Adapt the goals or outcome expectations while using the same materials.
Example: A student may identify colors of the states on the map while other students identify each state and capitol.
- **Substitute Curriculum** – Sometimes called “functional curriculum”, provide different instruction and materials to meet a learner's individual goals.
Example: A student learns to follow the toileting routine.

Additional Resources:

<https://www.cde.state.co.us/cdesped/accommodations>

<http://www.smcoe.org/assets/files/learning-and-leadership/selpa/procedural-handbook/chapter-15.15.pdf>

http://achievethecore.org/content/upload/122113_Shifts.pdf

Accommodation and Modification Strategies for the Classroom

Using differentiated instruction techniques, teachers can engage all students in the learning process. At the same time, each student has unique learning needs and often needs additional, individualized supports to be successful in the general education classroom. By combining differentiated instruction and individualized accommodations and modifications, teachers will be better able to ensure the success of all their students.

Environmental Strategies

- Preferential seating
- Assign student to individual space for short periods
- Change grouping
- Alter location of personal or classroom supplies for easier access or to minimize distractions
- Offer alternative seating arrangements for controlled verbal discussion or verbal learners
- Reduce environmental distractions

Organization Strategies

- Set time expectations for assignments
- Set time limits using timer
- Allow additional time to complete tasks or take tests
- Organize a notebook or provide folder to help organize work
- Establish systems for recording assignments (planner, assignment sheet, notebook, calendar for long-range assignments)
- Provide peer helper (study buddy) for student
- Provide work in segments so that a student hands in one segment before receiving the next part
- Highlight main ideas and supporting details in the text
- Incorporate organization and study skills into instruction
- Teach organizational skills. Be sure student has daily, weekly, and/or monthly assignment sheets, list of materials needed daily and consistent format for papers. Have a consistent way for students to turn in and receive back papers, reduce distractions.
- Teach specific methods of self-monitoring (Stop-Look-Listen)
- Provide student with a definite purpose during unstructured activities
- Individualize timeline for completing a task

Instructional Delivery

- Record lessons so the student can listen again (for home or school)
- Give both oral and visual instructions for assignments
- Vary the method of lesson presentation
- Lecture
- Small groups
- Large groups
- Use audio-visuals
- Peer tutors or cross-age tutors
- Demonstrations
- Games
- One-to-one instruction with other adult
- Cooperative learning
- Provide visual or memory aids (i.e. number line, formulas, pictures, charts)
- Arrange for tutor to work with student in his/her interest area or area of greatest need
- Utilize library, computers, or other sources

- Re-teach individual or small groups
- Use hands-on learning experiences (using manipulative)
- Use graphic organizers, outlines, and other visual aids
- Use study guides
- Break down instruction into smaller groups
- Model note taking using the projection system
- Cluster information into manageable chunks
- Allow think time
- Teach and emphasize key words (the following..., the most important point..., etc.)
- Plan more concrete examples

Curriculum Strategies

- Assess whether student has the necessary prerequisite skills
- Locate materials appropriate to the student's functioning levels
- Introduce definitions of new terms/vocabulary and check for understanding
- Implement reading strategies (i.e. survey, read, recite, review)
- Limit amount of material presented on a single page
- Reduce quantity of material to be read or assigned
- Simplify vocabulary of test items, practice sheets
- Provide a sample or practice test
- Provide opportunities for extra drill
- Require fewer drill and practice activities when material is learned
- Use a reading material based on a different approach (linguistic, phonetic)
- Use special supplementary reading material
- Re-space items for legibility and clarity
- Be aware of the student's preferred learning style and provide appropriate instruction
- Provide opportunities for development of creativity
- Assign higher level comprehension questions, (i.e. minimize recall questions and emphasize application, analysis, synthesis, and evaluation questions)
- Provide independent learning activities
- Provide instruction in research skills needed to conduct an independent study in student's interest area
- Enrich the curriculum 'horizontally' by materials and activities that extend topic
- Use recorded books
- Highlight information
- Use calculators, spell checks and computers
- Allow dictation of responses using audio recordings and word recognition systems
- Provide student with a copy of presentation notes
- Allow peers to share notes from presentation (have student compare own notes with copy of peers notes)

Behavioral Strategies

- Discuss the student's behavior in private
- Identify small steps of behavior to change
- Write a contract for student behavior
- Give non-verbal signals to monitor behavior (hand, winks)
- Give verbal cues to monitor behavior ("slow down")
- Move closer to the student to monitor behavior
- Establish list of reinforcers for student selection
- Offer tangible reinforcers (points, tokens) for appropriate behavior
- Assign student as a peer tutor
- Assign student sessions to practice appropriate behavior
- Allow student to move to another location in room to regain control
- Allow student to leave room or go to the time-out space to regain control
- Tell student to leave classroom and go to assigned area
- Put student on daily/weekly progress report
- Keep graphs and chart of student progress
- Implement self-recording of behaviors
- Provide supports for student decision making (outline of social skill strategy posted on the wall)
- Use physical proximity and touch.
- Use earphones and/or study carrels, quiet place, or preferential seating
- Allow opportunities for the student to show strengths

Assessment Strategies

- Questions at the end of sentences/paragraphs to help focus on important information
- Provide for oral testing
- Ask student to repeat directions/assignments to ensure understanding
- Enlarge the text
- Change item format
- Allow more time for completing the test
- Provide a quiet space
- Personalize expectations for student learning based on the goals and objectives stated in a student's IEP

Communication Strategies

- Develop a daily/weekly journal
- Develop parent/student/school contracts
- Schedule periodic parent/teacher meetings
- Provide parents with duplicate set of texts
- Identify resource staff
- Collaborate with other staff
- Schedule building team meetings
- Maintain ongoing communication with building principal
- Identify and communicate with appropriate personnel working with student
- Assist in agency referrals

Appendix C Best Practices Grading Students with Disabilities

BEST PRACTICES

GRADING STUDENTS WITH DISABILITIES

The most effective grading practices provide accurate, specific, and timely feedback designed to improve student performance. Grading practices for students with disabilities, particularly report cards, need to be:

- individualized
- understandable
- reflective of instruction delivered
- aligned to accountability models
- informative to parents about what and how their child is doing
- meaningful
- based on assessment data

Federal and State Perspectives

The Office for Civil Rights(OCR)

The Office for Civil Rights (OCR) has no enforcement authority under IDEA. However, OCR has enforcement responsibilities under two of the applicable federal laws: Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 (Section 504). Title II prohibits discrimination on the basis of disability by public entities, including public school systems, regardless of federal financial assistance. Section 504 requires local education agencies (LEAs) to provide a free appropriate public education (FAPE) to qualified individuals with disabilities in their jurisdiction. Section 504 prohibits discrimination on the basis of disability in programs or activities receiving federal financial assistance. This means that with respect to grades, class ranking, honor rolls, graduation, and diplomas, students with disabilities must be treated the same as all students.

Section 504 and Title II do not have specific provisions addressing report cards or transcripts. While the laws prohibit public entities from treating person differently on the basis of disability, they may provide a different aid, benefit or service to persons with disabilities where necessary to provide supports that are as effective as that provided by others. Among the aide, benefits and services provided to students and parents are report cards and transcripts.

OCR has determined it would be a violation for a student's transcript to indicate the the student received accommodations in a general education classroom. In addition, transcripts may not indicate that a student has been enrolled in a special education program. However, a transcript may indicate

that a student took classes with a modified or alternate education curriculum. In one investigation, OCR found classes on a transcript designated as Independent Learning Center do not violate the ADA or Section 504 regulations. These classes used similar materials but covered less information and focused on different concepts and content than the regular classes.

The Office of Special and Rehabilitative Services (OSERS)

OSERS administers the Individuals with Disabilities Education Act (IDEA). IDEA does not have specific provisions on student report cards or transcripts. However, it requires that the individualized education program (IEP) for a student with a disability include a description of (1) how the student's progress toward meeting the annual goals set forth in his or her IEP will be measured and (2) when periodic reports on the student's progress toward meeting the annual goals will be provided. These progress reports may be separate from or included as part of the regular report cards.

The Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) protects the privacy interests of parents and students with regard to educational records. In general, a policy or practice of disclosing personally identifiable information from educational records without consent is prohibited except under specific exceptions. Disability status, reports cards, and transcripts are subject to the protections of FERPA and IDEA.

The California Department of Education (CDE)

The California Department of Education (CDE) guidance on grading students with disabilities is incorporated into this document in relevant sections. Please refer to www.cde.gov for more information.

The Office of Administrative Hearings (OAH)

Individual case decisions made through the Office of Administrative Hearings (OAH) and/or the court system that do not generalize are not incorporated into these guidelines. Those seeking more specific California case histories may want to research the OAH website at www.oah.dgs.ca.gov/Special+Education/default.htm

Educational Benefit

The legal basis for educational benefit was decided June 28, 1982 in the *Board of Education v. Rowley* decision of the United States Supreme Court. The Supreme Court tried to strike a balance in defining the meaning of free appropriate public education (FAPE). The following concepts are pulled from Justice Rehnquist statements:

- *If personalized instruction is being provided with sufficient supportive services to permit the child to benefit from the instruction, and other items on the definitional checklist are satisfied, the child is receiving a 'free appropriate education' as defined by the Act.*
- *The Act consists of access to specialized instruction and related services which are individually designed to provide education benefit to the child with a disability.*

- *Congress did not impose upon the states any greater substantive educational standard than general education. Indeed, Congress expressly recognized the process of providing special education and related services is not guaranteed to produce any particular outcome.*
- *However, it would do little good for Congress to spend millions of dollars in providing access to public education only to have the child with a disability receive no benefit from that education.*
- *If the child is being educated in the regular classrooms of the public education system, such instruction should be reasonably calculated to enable the child to achieve passing marks and advance from grade to grade.*

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) continued the dialog of these issues by stating the following:

- *Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.*
- *As used in this part, the term special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability. [34 CFR 300.39(a)(1)]*
- *Specially-designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—*
 - (i) To address the unique needs of the child that result from the child’s disability; and
 - (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.” [34 CFR 300.39(a)(3)]

California Department of Education (information from the CDE website)

The CDE Accommodations Guide notes that using modifications may result in implications that could adversely affect students throughout their educational careers. Modifications can increase the gap between achievement of students with disabilities and expectations for proficiency at a particular grade level. A modified program has learning outcomes which are substantially different from the prescribed curriculum, and specifically selected to meet the student’s special needs. Therefore, it is recommended that the IEP team members discuss the impact of a modified program/grades on the requirements for graduation requirements.

For example, a ninth grade student in a modified math program might be focused on functional computation skills in the context of handling money and personal budgeting.

Appendix D ESY Determination Worksheet

SOUTHWEST SPECIAL EDUCATION LOCAL PLAN AREA (SELPA) EXTENDED SCHOOL YEAR (ESY) ELIGIBILITY WORKSHEET

Page 1

Student Name _____ Date of Birth _____ IEP Date _____
Age _____ Grade _____ Gender _____

Definitions

ESY Extended School Year services are programs and services that assist the student in working toward the same goals and objectives that the student works on during the school year. ESY services are only provided for those areas on the current IEP where the student has demonstrated a) regression of skills during an extended school break and b) limited ability to benefit from re-teaching of skills after an extended school break. Regression Loss of previously attained skills documented by a review of the IEP goals, due to an extended school break.

Rate of Recoupment: Length of time required to re-learn skills following an extended school break.

Regression and Recoupment: Some students have disabilities that are likely to continue indefinitely or for a prolonged period. In this situation, interruption of the student's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the student will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition. (5 C.C.R. Section 3043.)

The IEP Team shall determine the following in order to designate a student as requiring ESY as part of FAPE

Using input from staff and parents, answer the following questions

1. At the start of the school year, with a review period equal to that of general education students, was the student unable to regain skills lost over the break that would otherwise be expected in view of the student's disabling condition?

☐ Yes ☐ No If yes, specify what area(s) _____

2. Does this student display a loss of previously taught skills and an inability to regain those skills following interruptions in instruction during the regular school year, i.e., Thanksgiving break, Winter Break, and Spring Break?

☐ Yes ☐ No If yes, specify what area(s) _____

3. Is the current student at a crucial stage in learning a skill(s), such that an interruption in school program might cause loss of a skill(s) that the student would not be able to re-learn in a reasonable period of time, in view of the student's disabling condition?

☐ Yes ☐ No If yes, specify what essential skill(s) _____

4. Is the student able to maintain the skills identified without Extended School Year?

☐ Yes ☐ No If no, specify what skill(s) _____

5. Does the student require ESY to continue to achieve at the level of independence that is expected in view of the student's disabling condition?

☐ Yes ☐ No

Note: refer to criteria specified on the ESY Worksheet pg. 2 if answer is "yes" on #5 above

6. The student demonstrates a pattern of past regression in skills as evidenced by breaks of more than four week
☐ Yes ☐ No ☐ Unknown

Comments (describe the degree (minimal or serious) of actual or likely regression following a school break

7. What is the estimated amount of time it takes or it may take the student to regain the prior level of knowledge skills, benefits or functioning following a school break

☐ One Month or less ☐ Up to 3 months ☐ 4 to 6 months ☐ Other

Comments _____

-
8. Describe the student's rate of learning (as compared with the student's ability to recoup after a break)

9. Does the IEP team feel the student's disability will continue indefinitely or for a prolonged period of time?

☐ Yes ☐ No ☐ Unknown

Comments (describe the degree (minimal or serious) of actual or likely regression following a school break

Describe the degree, nature and severity of the student's disability

10. Does the IEP team feel it will be impossible or unlikely the student will attain self-sufficiency and independence expected in view of the student's disability following a break?

☐ Yes ☐ No ☐ Unsure

Comments (describe the degree (minimal or serious) of actual or likely regression following a school break

11. Is the student at a critical point of skill acquisition or readiness where their ability to acquire the skills will be lo or greatly reduced as a result of an interruption of services?

☐ Yes ☐ No ☐ Unsure

If yes, describe

12. Are there any other issues concerning the student's physical, medical condition, emotional, social, behavioral, mental health, academic and/or vocational issues, and his/her ability to be with typically developing peers that may be adversely impacted if the student does not receive ESYservices?

☐ Yes ☐ No ☐ Unsure

If yes, describe

Appendix E CasemisCodes

SERVICE

These codes are used to indicate the student's services.

Code	Service Categories
210	Family training, counseling, and home visits (0-2 years old only)
220	Medical services (for evaluation only) (0-2 only)
230	Nutrition services (0-2 years old only)
240	Service coordination (0-2 years old only)
250	Special instruction (0-2 years old only)
260	Special education aide in regular development class child care center or family child care home (0-2 years old only)
270	Respite care services (ages 0-2 years old only)
330	Specialized Academic Instruction
340	Intensive Individual Services
350	Individual and small group instruction (30 EC 56441.2, 5 CCR 3051) (ages 3-5 only)
415	Language and speech
425	Adapted physical education
435	Health and nursing - specialized physical health care services
436	Health and nursing - other services
445	Assistive technology services
450	Occupational therapy
460	Physical therapy
510	Individual counseling
515	Counseling and guidance
520	Parent counseling
525	Social work services
530	Psychological services
535	Behavior intervention services
540	Day treatment services
545	Residential treatment services
610	Specialized services for low incidence disabilities
710	Specialized deaf and hard of hearing services
715	Interpreter services
720	Audiological services
725	Specialized vision services
730	Orientation and mobility
735	Braille transcription
740	Specialized orthopedic services

Code	Service Categories
745	Reader services
750	Note taking services
755	Transcription services
760	Recreation services, includes therapeutic recreation (34 <i>CFR</i> 300.24)
820	College awareness/preparation
830	Vocational assessment, counseling, guidance, and career assessment
840	Career awareness
850	Work experience education (34 <i>CFR</i> 300.26)
855	Job coaching (includes job shadow and service learning)
860	Mentoring
865	Agency linkages (referral and placement)
870	Travel training (includes mobility training)
890	Other Transition Service
900	Other special education/related service (must be in Local Plan)

PROVIDER

These codes are used to indicate the student's services' provider.

Code	Service Provider
100	District of service
110	County office of education
120	SELPA
130	Another district, county, or SELPA
200	WorkAbility
210	Transition Partnership Program (TPP)
220	Regional Center
230	Alcohol and drug prevention programs
240	Child development funded program
250	Head Start
300	CDE of Mental Health (DMH)
310	California Children's Services (CCS)
320	California Department of Social Services (DSS)
330	California Department of Rehabilitation (DOR)
340	Employment Development Department (EDD)
400	Nonpublic agency (NPA) under contract with SELPA or district
410	Nonpublic school (NPS) under contract with SELPA or district
500	Other public program
600	Other private program

LOCATION

These codes are used to indicate the student's services' location.

Code	Service Location
210	Home – instruction based on IEP Team Determination
220	Hospital
310	Head Start program
320	Child development or child care facility
330	Public preschool
340	Private preschool
350	Extended day care
360	Residential facility
510	Regular classroom/public day school
520	Separate classroom in public integrated facility
530	State Special School
540	Separate school or Special Education Center or facility
550	Public residential school
560	Other public school or facility
570	Charter school (operated by an LEA/district)
580	Charter school (operated as an LEA/district)
610	Continuation school
620	Alternative work education center/work study facility
630	Juvenile court school
640	Community school
650	Correctional institution or facility
710	Community college
720	Adult education facility
810	Nonpublic day school
820	Nonpublic residential school – in California
830	Nonpublic residential school – outside California
840	Private day school (not certified by Special Education Division)
850	Private residential school (not certified by Special Education Division)
860	Parochial school
890	Service provider location
900	Any other location or setting

Desired Results Developmental Profile (DRDP) Access

Overview of Requirements for Preschool Special Education: The following Overview of Requirements of Preschool Special Education and Timeline for DRDP Assessment System Data Collection and Reporting provide important information for assessors and administrators.

Eligible Children: All 3, 4, and 5-year-old preschoolers who have IEPs, regardless of instructional setting or services received, must be assessed using DRDP access. Children must enter preschool: before November 1st to be included in the fall assessment, and before April 1st to be included in the spring assessment.

Assessment Points: Assessors should continually observe children and document their progress on the DRDP access for children with IEPs. Based on those observations and documentation, children's progress will be rated and reported on the DRDP access two times a year, once in the fall and once in the spring.

IEP Team Responsibilities: All children with IEPs will be administered the DRDP access in the Fall and in the Spring. The IEP team is responsible for documenting the adaptations that each child uses regularly and will therefore use for this assessment.

Assessor Responsibilities: The person responsible for making sure the assessment is completed is the primary IEP service provider, which includes credentialed classroom special education teachers, speech/language pathologists, and other itinerant staff.

- The primary IEP service provider will be responsible for collecting documentation and reporting data twice a year for each child.
- When a child receives special education services and is enrolled in an early childhood program, all of the child's service providers should collaborate in completing the assessment. DRDP results will be reported to both SED and CDD, according to the requirements of each Division.
- Special education administrators will determine the assessor in special circumstances, for example children served solely by California Children's Services, Non-Public Schools, and Non-Public Agents.

Reporting Data: DRDP data will be reported to CDE through the Special Education Information System (SEIS).

GLOSSARY OF SPECIAL EDUCATION TERMINOLOGY

A Child with a Disability: A student who has been properly evaluated in accordance with regulations who is found to have a disability which results in the need for special education and related services.

Academic Performance Index (API): The cornerstone of California's *Public Schools Accountability Act of 1999*; measures the academic performance and growth of schools on a variety of academic measures.

Accommodations in Statewide Assessment: Changes in format, response, setting, timing or scheduling that do not alter in any significant way what the test measures or the comparability of scores.

Adapted Physical Education (APE): This related service is for students with disabilities who require developmental or corrective instruction.

Adequate Yearly Progress (AYP): The measurement defined by the No Child Left Behind Act that allows the U.S. Department of Education to determine how every public school and school district in the country is performing academically according to results on standardized tests.

Administrative Law Judge (ALJ): Independent Administrative Law Judges who preside over special education due process hearings in California.

Administrative Unit (AU): The responsible local education agency where the SELPA office is located and where the state and federal funding is allocated.

Age of Majority: Rights are transferred from the parent to the student on the student's 18th birthday. This must be addressed by the IEP team prior to the student reaching age 18.

Alternate Curriculum: The alternate curriculum is used for students with moderate to severe disabilities to access the seven core areas of the California State Frameworks

American Reinvestment and Recovery Act (ARRA): The **American Recovery and Reinvestment Act** is an effort to jumpstart the economy, save and create millions of jobs.

Augmentative and Alternative Communication (AAC): Communication by means other than speech

Alternative Dispute Resolution (ADR): ADR is an informal process for resolving conflicts between districts and parents of students with disabilities.

American with Disabilities Act (ADA): This act prohibits discrimination of individuals based on disability. It requires public transportation services to be accessible to individuals with disabilities and prohibits discrimination in employment of qualified individuals with disabilities.

Annual Yearly Progress (AYP): Under NCLB, each State establishes a definition of "adequate yearly progress" (AYP) to use each year to determine the achievement of each school district and school. The new definition of AYP is diagnostic in nature, and intended to highlight where schools need improvement and should focus their resources.

Applied Behavioral Analysis (ABA): The design, implementation, and evaluation of systematic environmental modifications for the purpose of producing socially significant improvements in and understanding of human behavior based on the principles of behavior identified through the analysis of behavior.

Assistive Technology Device: Any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

Behavior Intervention Case Manager (BICM): A certificated person who has been trained in behavior analysis with an emphasis on positive behavior interventions.

Behavior Intervention Plan (BIP): Systematic implementation of procedures that result in lasting positive changes in a student's behavior.

Board Certified Behavioral Analyst (BCBA): BCBAs conduct descriptive and systematic behavioral assessments, including functional analyses, provide behavior analytic interpretations of the results, design and supervise interventions, develop and implement appropriate assessment and intervention methods for use in unfamiliar situations and for a range of cases, teach others to carry out ethical and effective behavior analytic interventions based on published research and designs, and deliver instruction in behavior analysis.

California Alternate Performance Based Assessment (CAPA): This is the alternate assessment for students who cannot participate on the CAT-6. This is for students with the most severe disabilities.

California Modified Assessment (CMA): The California Modified Assessment (CMA) is a grade-level assessment for students who have an individualized education program (IEP), are receiving grade-level instruction, and, even with interventions, will not achieve grade-level proficiency within the year covered by the student's IEP.

California Children Services (CCS): Agency which provides medically necessary physical and occupational therapy for students eligible under CCS criteria.

English Language Proficiency Assessment for California (ELPAC): Students in kindergarten through grade twelve whose home language is not English are required by law to take an English skills test. In California, the test is called the ELPAC. This test helps schools identify students who need to improve their skills in listening, speaking, reading, and writing in English. Schools also give the test each year to students who are still learning English.

California Longitudinal Pupil Achievement Data System (CALPADS): A longitudinal data system used to maintain individual-level data including student demographics, course data, discipline, assessments, staff assignments, and other data for state and federal reporting.

California Longitudinal Teacher Information Data Education System (CALTIDES): CALTIDES will be a new comprehensive system environment that primarily entails integrating existing databases to enable the retention of longitudinal educator data to meet federal No Child Left Behind (NCLB) and other state reporting requirements, to facilitate assignment monitoring, and to conduct high quality program evaluations.

California Special Education Management Information System (CASEMIS): This is an information and retrieval system in special education, developed by the CDE Special Education Division. The system provides the LOCAL EDUCATION AGENCY a statewide standard for maintaining a common core of special education data at the local level. The SELPA assists districts with the collection of this data.

Community Based Instruction (CBI): A model for delivery of instruction in which the IEP goals are met in a “natural” age-appropriate setting. For example, skills that may be developed by taking a trip to the grocery store include math, sequencing, travel, and social skills.

Community Advisory Committee (CAC): A committee composed of parents of students with disabilities appointed by each district board. The CAC serves in an advisory capacity to the SELPA Governing Board.

Compliance Complaint: Complaint filed with the California Department of Education by a person who feels that a special education law has been violated.

Designated Instructional Service (DIS): The federal term is related services. Transportation and such developmental, corrective and other supportive services as are required to assist the child with a disability to benefit from special education, and to include and not limited to: speech/language therapy and audio logical services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, counseling services, orientation and mobility services.

Desired Results Developmental Profile (DRDP): The DRDP is an assessment tool that is part of the Desired Results System. The DRDP helps the California Department of Education evaluate its programs for young children. The DRDP helps teachers document children’s progress in areas such as learning, getting along with others, and being safe and healthy. Knowing how well children are progressing helps the California Department of Education understand how well its programs are doing. The DRDP has been used for a number of years with the California Department of Education’s child development programs for children birth through 13 years old. Since spring 2007, the DRDP has also been used with 3, 4, and 5 year-old preschool children who have Individualized Education Programs (IEPs). Including preschool children with IEPs in the Desired Results System, assures that programs are working for all children.

Discrete Trial Training (DTT): Discrete Trial Training is a behavioral treatment intervention using the principles of Applied Behavior Analysis and derived from the work of Lovaas (1987). Discrete Trial Training takes a large or long term goal and breaks it down into small achievable steps that are presented in the format of a discrete trial. A particular trial may be practiced numerous times until the skill is mastered.

Due Process: Procedural safeguards to ensure the protection of the rights of the parent, guardian and the student under IDEA and related state and federal laws and regulations.

Dynamic Indicators of Basic Early Literacy (DIBELS): The DIBELS measures were specifically designed to assess 3 of the 5 Big Ideas of early literacy: Phonological Awareness, Alphabetic Principle, and Fluency with Connected Text.

Early Childhood Education (ECE): Early identification and special education and related services that are provided to children ages 0-5.

Elementary and Secondary Education Act (ESEA): This act was reauthorized in 2002 as NCLB. The intent is to ensure that all children have a fair, equal and significant opportunity to obtain a high quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state assessments.

Evaluation: Procedures used by qualified personnel to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Expedited Due Process Hearing: A hearing that results in a written decision being mailed to the parties within 45 days of the request for the hearing, without exceptions or extensions.

Extended School Year (ESY): Special education and related services that (a) Are provided to a child with a disability; (b) Beyond the normal school year; (c) In accordance with the child's IEP; and, (d) Meets the standard of the State Educational Agency.

Family Educational Rights and Privacy Act (FERPA): The Family Educational Rights and Privacy Act is a Federal law that protects the privacy of student education records.

Focused Monitoring and Technical Assistance (FMTA): The FMTA Consultants are assigned geographically. They are responsible for coordinating all monitoring and technical assistance activities for the districts and Special Education Local Plan Areas in their assigned counties, providing information, and facilitating access to technical assistance related to program monitoring and program implementation.

Functional Analysis Assessment (FAA): Is a comprehensive assessment of behavior done by a ELP A certified behavior intervention case manager (BICM) when an IEP team finds that instructional behavioral approaches specified in the student's IEP have been ineffective.

Harbor Regional Center (HRC): Regional centers are nonprofit private corporations that have offices throughout California to provide a local resource to help find and access the many services available to individuals with developmental disabilities and their families. HRC serves families in the Southern Los Angeles County.

Health Insurance Portability and Accountability Act (HIPAA): This is a medical privacy act that established national standards to protect the privacy of personal health information

High, Objective, Uniform State Standard of Evaluation (HOUSSSE): An alternative method to assessing teacher subject matter competency is the High, Objective, Uniform State Standard of Evaluation (HOUSSSE). HOUSSSE allows current teachers to demonstrate subject matter competency and Highly Qualified Teacher (HQT) requirements through a combination of proven teaching experience,

professional development, and knowledge in the subject acquired over time through working in the field.

Individualized with Disabilities Education Act (IDEA): Federal law that ensures that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet the unique needs and prepare them for employment and independent living. The Act was reauthorized in 2004.

Inclusion: Inclusion is educating each child, to the maximum extent appropriate, in the school and classroom he or she would otherwise attend. It involves bringing the support services to the child (rather than moving the child to the services).

Independent Educational Evaluation (IEE): An evaluation conducted by a qualified examiner who is not employed by the district responsible for the education of the child.

Individualized Educational Program (IEP): Plan which describes the child's present level of educational performance, sets annual goals and instructional objectives, and describes the special education program and related services needed to meet those goals and objectives if appropriate.

Individual Services Plan (ISP): The plan that is used for students who are enrolled in private schools by their parents that describes the specific special education and related services that the LEA will provide to the child.

Individual Family Service Plan (IFSP): Each eligible infant or toddler has an IFSP. The individual family service plan is in place of the IEP.

Individual Transition Plan (ITP): Plan that is included in the student's IEP beginning at age 16 or younger that addresses transition needs and interagency responsibilities or linkages that are needed for the student to successfully transition from school to adult life.

Individual with Exceptional Needs (IWEN): A student who is eligible for special education and related services under the Individual with Disabilities Education Act (IDEA).

Informed Consent: In accordance with 34 Code of Federal Regulations and Education Code: (1) Parent has been fully informed of all information relevant to the activity for which consent is sought, in his/her primary language or other mode of communication, (2) The parent understands and agrees in writing to the carrying out of the activity for which his. /her consent is sought, and the consent describes the activity and lists the record (if any) which will be released and to whom, and (3) the parent understands that the granting of consent is voluntary on his/her part and may be revoked at any time.

Interim Alternative Educational Setting (IAES): IAESs are intended to serve *short-term, transitional* purposes. With few exceptions, IAESs serve as settings in which students with disabilities are placed *pending* either a return to the student's current educational placement or a change in educational placement.

Least Restrictive Environment (LRE): In accordance with State and Federal law students with disabilities will be provided special education and related services in a setting which promotes interaction with the general school population, to a degree appropriate to the needs of both. The concept of LRE includes a

variety of options designed and available to meet the diverse and changing needs of students. The least restrictive environment is determined by the IEP team on an individual student basis.

Low Incidence Disability: Severe disability with an expected incidence of less than one percent of the total statewide enrollment. The conditions are hearing impairment, vision impairment, severe orthopedic impairment, or any combination thereof.

Mainstreaming: Refers to the selective placement of students with disabilities in one or more general education classes and or extra-curricular activities.

Manifestation Determination: If a disciplinary action is taken that involves a removal of student with a disability that constitutes a change in placement then a review must be conducted of the relationship between the child's disability and the behavior subject to the action.

Maintenance of Effort (MOE): The general rule under MOE requirements is that districts must spend the same level of state and local funds (or local funds only) on special education as in the prior year, either in terms of total or per-pupil expenditures.

Medical Therapy Unit (MTU): Space provided by local educational agencies for the provision of medically necessary occupational and physical therapy provided by CCS therapists.

No Child Left Behind (NCLB): The No Child Left Behind Act, signed into law in 2002, has expanded the federal role in education and set requirements in place that affect every public school in America, including those in California. At the core of No Child Left Behind are measures designed to close achievement gaps between different groups of students.

Non-Public Agencies (NPA): A private, nonsectarian establishment certified by the CDE that provides contracted, related services to students with disabilities.

Non-Public Schools (NPS): A private, nonsectarian school certified by the CDE that enrolls students with disabilities pursuant to an IEP.

Notice of Insufficiency (NOI): If a due process hearing request notice is not does not meet all of the requirements as specified in IDEA, the district may file a notice of insufficiency with Office of Administrative Hearings (OAH) so that the issues of the complaint are more specific.

Occupational Therapy (OT): Services provided by a qualified occupational therapist that includes improving ability to perform tasks for independent functioning.

Office of Administrative Hearings (OAH): The Office of Administrative Hearings is the public agency that handles due process hearings in California.

Office of Civil Rights (OCR): Agency that ensures equal opportunity and accessibility for users of programs and services that receive federal funding.

Orientation and Mobility: Services provided by qualified personnel to students who are blind or have a visual impairment to enable those students to attain systematic orientation to and safe movement within their environments in school, home and community.

Office of Special Education Programs (OSEP): The Office of Special Education Programs (OSEP) is a component of the Office of Special Education and Rehabilitative Services (OSERS), which is one of the

principal components of the U.S. Department of Education (ED). OSEP's mission and organization focus on the free appropriate public education of children and youth with disabilities from birth through age 21.

Picture Exchange Communication System (PECS): A form of *alternative and augmentative communication* (AAC) that uses pictures instead of words to help children *communicate*. PECS was designed especially for children with *autism* who have delays in speech and language development.

Prior Written Notice: A written notice that must be given to the parents of a child with a disability a reasonable time before an LEA (a) Proposes to initiate or change the identification, evaluation or educational placement of the child or a the provision of FAPE to the child; or (b) Refuses to initiate or change the identification, evaluation or educational placement of a child or the provision of F APE to the child.

Procedural Safeguards: This is also known as Parent Rights. Procedural Safeguards must be given to the parents of child with a disability at a minimum (a) Upon initial referral for evaluation; (b) Upon each notification of an IEP meeting; (c) Upon reevaluation of a child; and (d) Upon receipt of a request for due process.

Procedural Safeguards and Referral Service (PSRS): This division of the California Department of Education, Special Education Division provides technical assistance information and resources for parents, school districts, advocates, agencies and others of procedural safeguards regarding students between ages 3 and 21 with disabilities and their educational rights.

Program Specialist (PS): A specialist who holds a valid special education credential and has advanced training and related experience in the education of students with disabilities.

Referral: Written request that a student be assessed to determine whether he/she has a disability that may require special education and/or related services to benefit from his/her educational program.

Related Services: See Designated Instructional Services.

Resource Specialist Program (RSP): Instruction and services provided by a resource specialist or special education specialist for students with disabilities who are assigned to general education classroom teachers for a majority of the school day.

Response to Intervention (RtI²): The response to instruction and invention (RtI²) model is also often called the Three-Tiered Model.

Section 504: Section 504 is a component of the Rehabilitation Act of 1973. It is a civil rights law that prohibits discrimination on the basis of disability in programs and activities, public and private, that receive federal financial assistance. Any person is protected who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.

Search and Serve: Active and systematic involvement by the educational community to locate children who may need special education services beyond the regular curriculum and program options. This is also referred to as "child find".

Special Day Class (SDC): Intensive instruction for students with disabilities who require special education instruction for more than 50% of the school day.

Special Education: Specifically designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.

Special Education Self-Review (SESR): Districts are required to go through a self review process every 4 years to determine areas of non-compliance. The reviews are structured are focused on educational benefit.

Specialized Academic Instruction (SAI): *Specialized Academic Instruction (SAI)* is defined as: "Adapting, as appropriate to the needs of the child with a disability the content, methodology, or delivery of instruction to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children."

Summary of Performance (SOP): This is provided to students upon graduating with a diploma or aging out.

Supplementary Aids and Services: Aids, services and other supports that are provided in general education classes or other education-related settings to enable children with disabilities to be educated with typically developing peers to the maximum extent appropriate. These aids and services must be noted on the IEP.

Surrogate Parent: Individual who is assigned by the SELPA to act as a surrogate for the parents, when no parent can be identified and the district, after reasonable efforts, cannot discover the whereabouts of a parent, or the child is a ward of the state under the laws of that state. The surrogate may represent the child in all matters relating to the identification evaluation, and educational placement and the provision of a free appropriate public education to the child.

Special Education Local Plan Area (SELPA): Individual district, group of districts, or districts and County Office of Education which forms a consortium to ensure that a full continuum of special education services is available to all eligible students within its boundaries.

Specialized Physical Health Care Services: Health services prescribed by the child's licensed physician and/or surgeon which are necessary during the school day to enable the child to attend school and are written into the IEP. Designated providers are appropriately trained and supervised as defined in Ed code.

State Operated Programs (SOP): Special schools operated by the California Department of Education for the education of students with disabilities including individual assessment services and the development of individualized education programs for students who are deaf and/or blind.

State Performance Plan (SPP): The IDEA requires that each state submit a performance plan that evaluates the state's efforts to implement the requirements and purposes of Part B of IDEA and describes how the state will improve such implementation. This plan is called the Part B State Performance Plan.

State Testing and Reporting (STAR): In California this consists of the California Standards Test (CST) and the CAT -6. Students who are on a functional curriculum may take the California Alternate Performance Based Assessment (CAPA).

Stay Put: During the pendency of a hearing a child with a disability must remain in his or her current educational placement unless the parents of the child agree otherwise.

Transition: Process of preparing a student to function in future environments and emphasizing movement from one educational program to another (e.g., infant program to preschool) or from school to work.

Transition Services: A coordinated set of activities for a student with a disability that (1) is designed with outcome-oriented process, that promotes movement from school to post-school activities. (2) Is based on the individual student's needs, taking into account the student's preferences, and interests.

Unilateral Placement: When a parent removes their child from a public educational placement into a private placement outside the IEP process.

Westside Regional Center (WRC): Regional centers are nonprofit private corporations that have offices throughout California to provide a local resource to help find and access the many services available to individuals with developmental disabilities and their families. HRC serves families in the Western Los Angeles County.