

Procedure Manual Placer County SELPA

Revised August 20, 2026



ACKERMAN CHARTER DISTRICT ♦ ALTA-DUTCH FLAT SCHOOL DISTRICT ♦ AUBURN UNION SCHOOL DISTRICT ♦ COLFAX ELEMENTARY SCHOOL DISTRICT ♦ DRY CREEK JOINT ELEMENTARY SCHOOL DISTRICT ♦ EUREKA UNION SCHOOL DISTRICT ♦ FORESTHILL UNION SCHOOL DISTRICT ♦ LOOMIS UNION SCHOOL DISTRICT ♦ MARIA MONTESSORI CHARTER SCHOOL ♦ NEWCASTLE ELEMENTARY SCHOOL DISTRICT ♦ PLACER COUNTY OFFICE OF EDUCATION ♦ PLACER HILLS UNION SCHOOL DISTRICT ♦ PLACER UNION HIGH SCHOOL DISTRICT ♦ ROCKLIN UNIFIED SCHOOL DISTRICT ♦ ROSEVILLE CITY SCHOOL DISTRICT ♦ ROSEVILLE JOINT UNION HIGH SCHOOL DISTRICT ♦ TAHOE-TRUCKEE UNIFIED SCHOOL DISTRICT ♦ WESTERN PLACER UNIFIED SCHOOL DISTRICT

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Introduction

Students who are eligible to receive special education are guaranteed a Free and Appropriate Public Education (FAPE). Federal, state, and local mandates provide a vast array of requirements that special educators must follow when implementing the programs designed to provide students with FAPE. These mandates are extensive and often confusing.

The overall purpose of the SELPA procedure manual is to provide district personnel a broad resource for the implementation of special education procedures focused on the identification, assessment and appropriate provision of a FAPE in the Least Restrictive Environment (LRE).

The intent of the Placer County SELPA Procedure Manual is to provide a user-friendly resource manual for special educators and administrations that will guide them through the procedures for identification, referral, assessment, IEP development, and program placement of students in special education and related services. The manual also outlines the policies, procedures, and local agreements that have been developed to assist in the provision of equitable and consistent program operation throughout the SELPA.

The release of the *Placer County SELPA Procedure Manual* signifies the SELPA's intent to provide clear and consistent guidance to all member districts in policies, procedures, and compliance with special education regulations. The manual is not intended to be exhaustive but should be used by member districts as they plan, develop, and refine specific special education policies and procedures.

Legal citations are provided at the end of the chapter, when applicable. Citations will be listed in order of appearance in the chapter that they are inserted. The legal citations refer to various sources:

- California Code of Regulations (C.C.R.; Title V regulations are cited as 5 C.C.R.)
- California Education Code (E.C.)
- Code of Federal Regulations (C.F.R.)
- Individuals with Disabilities Education Law Report (IDELR)
- Office of Civil Rights (OCR)

The manual is reviewed annually and updated as needed. If questions arise that are not answered in the manual, please contact your special education administrator for assistance. SELPA program specialists are also available for questions. Contact information for program specialists can be found on the SELPA webpage at:

<https://www.placercoe.org/Pages/PCOE/Departments/SELPA/SELPA.aspx>

SELPA-approved and required forms for developing the Individualized Education Program (IEP), Individual Family Service Plan (IFSP), and Individual Services Plan (ISP) are integrated into the web-based IEP system.

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Chapter 1 – Program Procedures

The Role of SELPA

Special Education Local Plan Areas (SELPAs) were created by state legislation to assist in assuring that districts and county offices of education provide a full continuum of programs and services to students with disabilities and that these

programs and services are provided according to all legal mandates. Every district and county office of education belongs to a SELPA. The districts and county offices of education that belong to each SELPA are referred to as Local Education Agencies (LEAs).

Placer County SELPA is a single-county, multiple-district SELPA. Each SELPA has an administrator and must have an assigned Administrative Unit (AU) or Responsible Local Agency (RLA). The purpose of the RLA is to provide support to the SELPA in areas such as office facilities, personnel services, IT support and fiscal management. The RLA can be assigned to any of the LEAs within the SELPA. The SELPA, however, is a separate organization from the LEA that is selected to act as the SELPA's RLA. In Placer County SELPA, the Placer County Office of Education has been selected as the RLA.

Each SELPA and its LEAs function under a comprehensive set of guidelines that are outlined in a single local plan. The local plan designates the RLA, the SELPA governance structure, and identifies the systems, policies, and procedures that will be used to support the LEAs in meeting their legal requirements for providing special education programs and services. It shall be the policy of the Placer County SELPA that the local plan and procedure manual shall be adopted by the member LEA COS representatives and is the basis for the operation and administration of special education programs, and that the agencies herein represented will meet all applicable requirements of state and federal law and regulations, including compliance with the IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California EC, Part 30.

Confusion is often expressed about the differing roles of the federal and state governments, the SELPA, and the LEAs. The charts on the next few pages are provided to assist in defining and differentiating the roles of each of those agencies, outlining the governance structure of the SELPA (see the Local Plan for more detailed information), and suggesting whom to call for help with specific types of issues.

Agency Responsibilities in Providing Special Education

Federal/State Government	SELPAs	LEAs
• Enact legislation governing the provision of special education • Determine the level of funding that will be provided • Distribute funding to each SELPA • Develop and implement systems for holding SELPAs and LEAs accountable for provision of appropriate special education programs	• Develop and maintain the local plan that designates the RLA, the SELPA governance structure, and identifies the systems, policies, and procedures that will be used to support the LEAs in meeting their legal requirements for providing special education programs and services • Develop and maintain policies and inter-agency agreements necessary for implementing the Local Plan • Ensure that appropriate programs/services are available for all children with disabilities within the SELPA • Receive funding from federal and state sources and distribute to LEAs • Facilitate completion of program reviews and evaluations • Provide LEAs with consultation and support, as needed • Provide appropriate staff development activities • Provide Alternative Dispute Resolution support, as needed	<i>School Districts</i> • Engage in child-find activities for eligible students within the district • Develop and operate district special education programs and services • Hire and supervise special education teachers and specialists for district-operated programs • Develop and implement an appropriate budget to support district special education programs • Provide special education transportation as needed • Respond to compliance and due process complaints • Participate in program reviews and evaluations • Enter into inter-agency agreements with the COE or other regional special education programs, as needed <i>COE/Regional Programs</i> • Conduct all activities described above for programs operated by the COE on behalf of all districts within the county or on behalf of several districts within

		a specified region of the county
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SELPA Governance Structure

The following organization chart illustrates the SELPA governance structure:



Council of Superintendents (COS)

The Council of Superintendents establishes operational procedures and makes decisions on matters regarding implementation, administration and operation of special education programs in accordance with the Local Plan; determines and provides direction on matters pertaining to SELPA/Regionalized Program personnel, Local Plan, program and service requirements, and allocation of special education funds; provides necessary direction and guidance to the SELPA administrator; provides direction, consultation and technical assistance to the LEA's and the Superintendent of the RLA; and develops rules, regulations and procedures to ensure effective management and content of special education programs and services. The Superintendent of each LEA is a member of the COS and provides a liaison function between the LEA governing board and the Council. The COS is chaired by the Superintendent of the RLA.

Executive Committee of the Council of Superintendents (ECCOS)

The Executive Committee makes recommendations to the Council of Superintendents regarding each of the items listed above. Membership includes a representative for LEAs of similar size and with like interest (e.g., high school and/or unified districts, elementary districts, direct service districts), one LEA Chief Business Official, and the RLA Superintendent. In addition, ECCOS recruits and evaluates the SELPA Administrator.

Special Education Administrators Committee (SEAC)

The Special Education Administrators Committee consists of one representative appointed by each Local Education Agency. The Special Education Administrators Committee is an advisory body to the SELPA Administrator, the Executive Committee of the Council of Superintendents and the Council of Superintendents to provide input and recommendations regarding the Local Plan, the funding allocation model, the development of inter-agency agreements, policies, forms, and procedures. The Special Education Administrators are responsible as individuals for the operation of Local Education Agency programs to ensure that all eligible children with disabilities receive appropriate services.

Community Advisory Committee (CAC)

The Community Advisory Committee is comprised primarily of parents of children with disabilities, although members of local PTAs, special education teachers, general education teachers, students with disabilities, and representatives of related public and private agencies may also serve on this committee, which serves as an advisory body to the SELPA Administrator and the SELPA governance structure in general.

Formulation of Policies and Procedures

Policies and procedures are formulated and refined by the advisory committees and approved by either the Council of Superintendents or the Executive Committee of the Council of Superintendents. The following are procedural steps which outline policy formation in the SELPA:

1. Once a policy or procedure is recommended by SEAC, it moves forward to ECCOS and COS, as appropriate.
2. CAC may be informed and provided policy information for review and input prior to final submission to COS for adoption.
3. The program policy or procedure is submitted to ECCOS and/or COS for approval and adoption.

Chapter 2 – Prior Written Notice

State Law and Federal Law require that parents/guardians receive prior written notice upon initial referral for assessment by a public education agency, and a reasonable time before a public education agency:

- Proposes to initiate or change the identification, assessment, or educational placement of a child, or the provision of a free appropriate public education (FAPE) to a child, or
- Refuses to initiate or change the identification, assessment, or educational placement of a child, or the provision of a free appropriate public education (FAPE) to a child.

Prior written notice must include these seven specific components as identified in special education law:

1. A description of the action proposed or refused by the public agency.
2. An explanation of why the public agency proposes or refuses to take the action.
3. A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
4. A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the provision of this part.
6. A description of other options that the individualized education program team considered and the reasons why those options were rejected.
7. A description of other factors that are relevant to the proposal or refusal of the agency. 34CFR 300.503(b)

The notice must be:

1. Written in language understandable to the general public.
2. Provided in the native language or other mode of communication used by the parent(s)/guardian unless it is clearly not feasible to do so.
3. If the native language or other mode of communication of the parent(s)/guardian is not a written language, the LEA shall take steps to ensure that:
 - a. The notice is translated orally or by other means to the parent(s)/guardian in their native language or other mode of communication.
 - b. The parent(s)/guardian understands the content of the notice.

- c. There is written evidence that these requirements have been met.

The notice to parents may be in a letter that contains all seven components or in an IEP document or related forms providing all seven components are addressed in the document. Whenever a team feels that written clarification of an IEP team or district decision is required, a prior written notice letter should be provided along with the related documents.

When Prior Written Notice is Required and How to Meet the Requirements

1. When proposing an initial evaluation of a student (*upon initial referral for assessment*).
 - a. The Assessment Plan with included Prior Written Notice Section along with the Procedural Safeguards, meets the prior written notice requirement.
2. When inviting the parent to an IEP meeting (*to propose identification, assessment, or educational placement*).
 - a. The Notice of IEP Team Meeting form, along with the Procedural Safeguards, meets the prior written notice requirement.
3. At an IEP meeting to determine eligibility of a student (*proposing, changing or refusing identification*).
 - a. The IEP document, along with the Procedural Safeguards, meets the prior written notice requirement.
4. When developing an IEP document, for any reason, i.e., initial, annual, amendment (*proposing or changing educational placement and provision of FAPE*).
 - a. The IEP document, along with Procedural Safeguards, meets the prior written notice requirement.
5. When changing a student's placement (*proposing change in educational placement of FAPE*).
 - a. The IEP document, along with Procedural Safeguards, meets the prior written notice requirement.
6. When exiting a student from special education (*proposing change in identification and educational placement of FAPE*).
 - a. The IEP document, along with Procedural Safeguards, meets the prior written notice requirement.
7. When a student is graduating from high school, which constitutes a change in placement (*proposing change in educational placement or FAPE*).
 - a. The IEP document, along with Procedural Safeguards, meets the prior written notice requirement.
 - b. If no IEP meeting was held, the Prior Written Notice form can be used, or a written letter to the parents that includes the seven components listed in EC 56500.4.

- c. The Procedural Safeguards must be given to the parent/student with the Prior Written Notice form or the letter.
- 8. When refusing to initiate an assessment of a student when requested by parent (*refusing assessment*).
 - a. The Prior Written Notice form can be used, or a written letter to the parents that includes all the seven components listed in the Education Code.
 - b. The Procedural Safeguards must be given to the parent with the Prior Written Notice form or the letter.
- 9. When refusing to develop an IEP document when requested by parent (*refusing to change educational placement and provision of FAPE*).
 - a. The Prior Written Notice form can be used, or a written letter to the parents that includes the seven components listed in the Education Code.
 - b. The Procedural Safeguards must be given to the parent with the Prior Written Notice form or the letter.
- 10. When refusing to change a student's placement as requested by parents (*refusing change in educational placement of FAPE*).
 - a. The IEP document, along with Procedural Safeguards, meets the prior written notice requirement.
 - b. If no IEP meeting was held, the Prior Written Notice form can be used, or a written letter to the parents that includes the seven components listed in EC 56500.4
 - c. The Procedural Safeguards should be given to the parent with the Prior Written Notice form or the letter.

Prior Written Notice for Graduating Seniors

Parents or guardians of an individual with a disability shall be given reasonable prior written notice that their child will be graduating from high school with a regular high school diploma because graduation from high school with a regular diploma constitutes a change in placement.

All graduating seniors must be provided with a Summary of the Student's Academic Achievement and Functional Performance, a Prior Written Notice, and be properly exited from the special education student information system by the end of the school year. The summary and prior written notice requirements can be met during an IEP meeting or by mailing home the required forms.

The summary must be completed with the most up-to-date information and provided to the parent(s)/guardian, or student if age 18, prior to the student's graduation. The Prior Written Notice must be provided with a copy of the Procedural Safeguards. Copies must be placed in the special education file. Upon completion of graduation requirements, all student information system data

must be verified, and the student must be exited within two weeks of the end of the school year.

20 U.S.C. § 1415 (b)(3), (b)(4), (c)(1)

C.F.R. 300.503 (b)

E.C. § 56500.4

Chapter 3 – Identification and Referral

Child Find

The Placer County SELPA and member LEAs carry out a variety of activities to ensure that all individuals with disabilities residing within their jurisdiction are located, identified, and evaluated. These activities include maintaining an ongoing system of coordination, documentation and reporting regarding child find and public awareness activities throughout the SELPA, as required by statute. Child find activities extend to students birth through 21 years of age. The Placer County SELPA and its member districts work closely with public agencies such as Alta California Regional Center, Head Start, California Children's Services, Placer County Children's System of Care, and others as appropriate in the identification of individuals with disabilities. Information regarding services for children with disabilities is disseminated to local childcare providers on an annual basis and materials are also distributed to pediatricians, health care professionals, and other agencies within the SELPA.

Information regarding child find activities is included in the annual notice that is distributed to parents/guardians of all children. Each LEA within the SELPA has established procedures for the identification, location, and evaluation of students who may require special education services. These systematic procedures include program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment for special education and related services as needed by a student.

Child find activities are the combined responsibility of each LEA, the County Office, and the SELPA and occur prior to a referral for special education services. These activities are designed to locate individuals residing in LEA residence boundaries, birth through 21 years of age, provided certain conditions are met within each age bracket per California Education Code section 56026(c), who may be eligible for and in need of special education and related services, regardless of the severity of their disability, including:

- Children not enrolled in public school programs;
- Children who are homeless or wards of the state;
- Children with disabilities attending private school programs;
- Children who are suspected of being a child with a disability and in need of special education, even though they are advancing from grade to grade;
- Highly mobile children, including migrant children.

Child find activities also foster awareness and understanding on the part of educators, parent(s)/guardians and other community members of the referral procedures for special education programs and services available. Child find activities inform educators, community agencies and parents/guardians of their

right to refer children for special education assessment to determine eligibility and the need for special education services.

Examples of child find activities include:

1. Media announcements regarding availability of special education services, as well as feature articles and stories regarding special education programs and opportunities;
2. Development of Interagency Agreements that clearly define child find responsibilities of participating agencies (e.g., Placer Community Action Council, Head Start, and California Children's Services);
3. LEAs provide annual orientation/review for general education staff, provided by special education staff, regarding the referral procedures for special education, the eligibility criteria, and the continuum of special education programs and services available;
4. Disability/Ability Awareness activities provided to both general education staff and students that include simulation activities, speakers, literature review, and instructional videos; and
5. Information regarding the referral process for special education is included in the annual notice of procedural safeguards.

Pre-Referral Activities

A student shall be referred for special education and related services only after the resources of the general education program have been considered, and when appropriate, utilized. Pre-referral activities ensure that all appropriate general education resources have been attempted prior to referral. It is not mandatory, however, for a student to go through pre-referral activities before being referred to special education if pre-referral interventions have been attempted and can be documented. Although specialists, such as school psychologists, speech/language pathologists, and special education teachers, may be involved in the pre-referral activities, these are not a special education function and as such are not subject to the associated restrictions and timelines. The function of pre-referral activities is to ensure and document that all appropriate general education resources have been exhausted before referring a student to special education.

Examples of general education interventions prior to referral include the following:

1. Consultation with specialist and/or other staff;
2. Changes to the general program and/or accommodations for the student to facilitate access to core curriculum;
3. Utilization of general program resources, (e.g., counselors, Response to Intervention, Title I resource programs, tutorials, English language

- development programs, migrant programs, reading interventions programs, 504 accommodations plan, summer school);
4. Parent/guardian conferences; and
 5. Referral to appropriate community agencies.

Identification, Location and Evaluation

Each LEA will establish a method whereby parents/guardians, teachers, appropriate professionals, and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program. Each LEA shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation, and review including the district's procedures for initiating a referral for assessment to identify individuals who need special education services.

Sources of Referral

Referrals to determine a student's eligibility and need for special education can come from a variety of sources including the following:

1. Student Success Team (SST);
2. Parent, guardian, educational representative, or surrogate parent;
3. School staff;
4. Public and private agencies;
5. Student;
6. Physicians and other medical professionals; or
7. Other community members.

Written Referral

All referrals for special education and related services must be documented. When a parent makes a verbal referral, appropriate staff shall offer assistance to the parent to put the request in writing (including email correspondence). Upon receipt of a written request, the LEA will acknowledge the request and provide the parents with information about the referral and the assessment process. If a parent/guardian, whose primary language is not English, makes a verbal request for special education assessment, the public school employee responsible for receiving referrals will inform the parent of the need to file a written request through the use of an interpreter or by providing the parent/guardian with written information in their primary language. The public school employee will provide the parent/guardian with assistance, as needed, in completing the written request.

All school staff referrals should also be in writing and should include a brief reason for the referral, documentation of the resources of the general education

program that have been considered and/or utilized, and the results of the interventions attempted. LEAs should track all referrals to ensure compliance with timelines. This documentation, however, should not delay the timelines for completing the assessment plan or assessment.

Once a referral is made, the district may review the request to determine if it is appropriate, and if so, provide an assessment plan with prior written notice. If after reviewing all relevant information, the district considers the referral inappropriate, the parent/guardians must receive a prior written notice of the denial consistent with 34 CFR § 300.503. Please refer to chapter 2 for details on what should be included in a prior written notice.

It is recommended that each individual LEA determine specific processes for handling school site referrals, reviewing parent referrals, logging and maintaining timelines, etc.

Written Notification of Procedural Safeguards

A copy of the procedural safeguards shall be given at least annually to the parent(s)/guardians of a child with an IEP, and when any of the following occur:

1. Upon initial referral or parental request for assessment,
2. Upon receipt of the first state complaint in a school year;
3. Upon receipt of the first due process hearing request in a school year;
4. When a decision is made to make a removal that constitutes a change of placement of an individual with exceptional needs because of a violation of a code of pupil conduct (suspension of more than 10 cumulative days or expulsion);
5. Upon request by a parent.

Notice to Non-English Speakers

The notice of procedural safeguards shall be available in the primary language of parents/guardians whose primary language is not English, unless to do so is clearly not feasible. The written notice shall be in language easily understood by the general public.

Over-Identification and Disproportionality

Each LEA must develop and implement policies, procedures, and practices that prevent determination of eligibility or ineligibility for special education based upon racial or ethnic factors. Failure to do so may result in a disproportionate percentage of racial or ethnic groups in special education generally or in specific disability categories. Annual evaluation of over-identification and disproportionality are conducted by the California Department of Education

(CDE). LEAs that are found to be out of compliance are required to conduct self-reviews and engage in corrective action.

(E.C. § 56300 and 56301(a))

(E.C. § 56303)

(5 C.C.R. § 3021)

(E.C. § 56301(d)(2))

(20 U.S.C. § 1412(a)(24))

Chapter 4 – Parent Consent

Response to Referral and Obtaining Parent Consent

When an educational team determines that it is appropriate to refer a student for an assessment to determine their educational needs and possible special education eligibility, an assessment plan, along with a notice of procedural safeguards, must be submitted to the parent(s)/guardian for review and possible approval/consent.

The proposed assessment plan shall be provided to the parent(s)/guardian within 15 calendar days of referral for an initial assessment, not counting calendar days in excess of five school days of school vacation or between the student's regular school sessions/terms, unless the parent(s)/guardian agrees, in writing, to an extension (which does not alter the LEAs timeline requirements for compliance purposes). In the event of breaks in school sessions or terms or school vacations, the 15-day time will recommence on the day school resumes.

Parental Consent for Assessment

The parent(s)/guardian shall have at least 15 days from the receipt of the proposed assessment plan to arrive at a decision. Assessment may begin immediately upon receipt of consent. If the parent(s)/guardian do not provide consent for an initial assessment, the LEA may request due process to override the lack of consent. If the LEA prevails in a due process hearing, the assessment can be conducted without parent consent.

The LEA shall not be required to obtain informed consent from the parent(s)/guardian of a student and shall defer to a Surrogate Parent for an initial assessment to determine whether the student is an individual with exceptional needs under any of the following circumstances:

1. Despite reasonable efforts to do so, the LEA cannot discover the whereabouts of the parent(s)/guardian of the student.
2. The rights of the parent(s) have been terminated in accordance with state law.
3. The rights of the parent(s) to make educational decisions have been subrogated by a judge in accordance with state law and consent for initial assessment has been given by an individual appointed by the judge to represent the student.

Parental consent is not required before reviewing existing data as part of an assessment or reassessment, or before administering a test or other assessment that is administered to all students, unless before administration of that test or assessment, consent is required of the parent(s)/guardian of all students.

The screening of a pupil by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered an assessment for eligibility for special education and related services.

Assessment Plan

The proposed assessment plan given to the parent(s)/guardian shall meet all the following requirements:

1. Be in a language easily understood by the general public.
2. Be provided in the native language of the parent(s)/guardian or other mode of communication used by the parent(s)/guardian, unless to do so is not clearly feasible.
3. Explain the types of assessments to be conducted.
4. State that no individualized education program will result from the assessment without the consent of the parent(s)/guardian.

Included with the assessment plan will be a copy of the notice of procedural safeguards. The parent(s)/guardian will be informed that they have a right to obtain, at public expense, an independent assessment of the pupil from qualified specialists, if the parent(s)/guardian disagrees with an assessment obtained by the district.

As part of the Assessment Plan the parent(s)/guardian will be provided with a written notice that upon completion of the administration of tests and other assessment material, an Individualized Education Program (IEP) team meeting will be held. The IEP team will discuss the assessment results, review any additional information, discuss the educational recommendations, and the reasons for these recommendations.

Parent(s)/guardians will receive a copy of the assessment report and the documentation of determination of eligibility.

IEP teams must use the SELPA-approved forms within the special education data management system for all special education activities.

60-Day Timeline

The assessments will be completed and an IEP meeting scheduled and held within 60 calendar days from the date of the receipt of the parent(s)/guardian's consent for assessment, not counting days between school sessions, terms, or days of school vacation in excess of five school days. In the case of school vacations in excess of five days, the 60-day timeline shall recommence on the date that student school days reconvene.

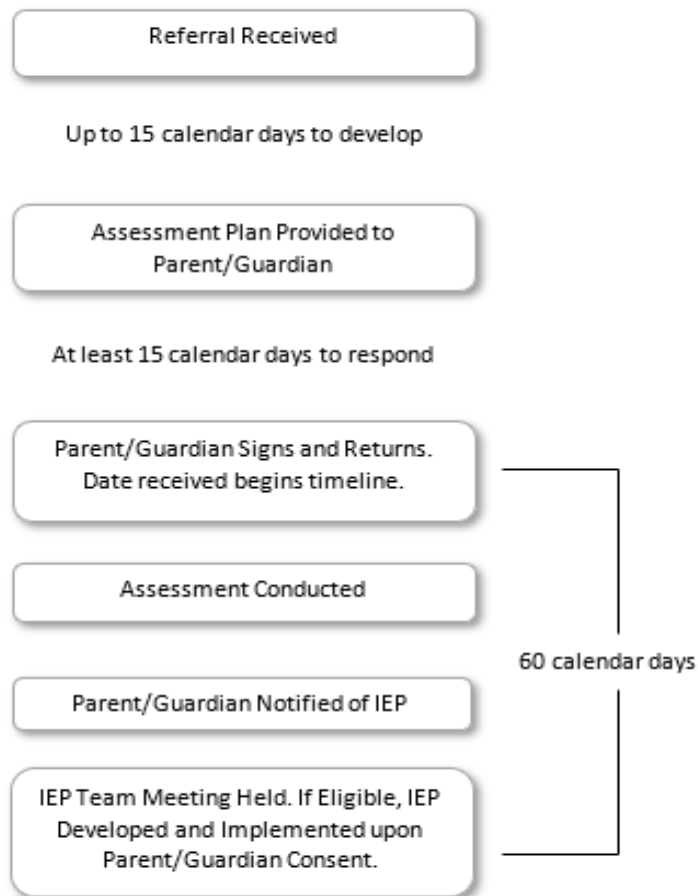
When an assessment plan is received within 30 days or less of the end of a school year, the assessment shall be completed and an IEP developed within the first 30 days of the subsequent school year. The district should have a process for notifying all persons responsible for conducting assessments, as soon as possible after the assessment plan is signed, in order to allow all assessors ample time to evaluate the student.

Initiation of Services

Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services. The LEA is responsible for making a free and appropriate public education (FAPE) available to a student with a disability and shall seek to obtain informed consent from the parent(s)/guardian before providing initial provision of special education and related services to the student. If the parent(s)/guardian does not provide consent to the initial provision of services, the LEA shall not request due process to override the lack of consent.

If the parent(s)/guardian of a student refuses to consent to the receipt of special education and related services, or the parent(s)/guardian fails to respond to a request to provide such consent, the LEA shall not be considered in violation of the requirement to make a free appropriate public education to the student or the failure to provide such student with the special education and related services for which the LEA requests such consent.

Assessment Timeline Overview



Definition of “Parent”

“Parent” means any of the following (CA Educ Code § 56028):

1. A biological or adoptive parent of a child, unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.
2. A foster parent if the authority of the biological or adoptive parent to make educational decisions of the child’s behalf specifically has been limited by court order.
3. A guardian generally authorized to act as the child’s parent or authorized to make educational decisions for the child.

4. An individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare.
5. A surrogate parent who has been appointed.

If a judicial decree or order identifies a specific person or persons to act as the "parent" of a child or to make educational decisions on behalf of a child, then that person or persons shall be determined to be the "parent".

"Parent" does not include the state or any political subdivision of government. "Parent" does not include a nonpublic, nonsectarian school or agency under contract with a local educational agency for the provision of special education or designated instruction and services for a child.

Transfer of Parental Rights at Age of Majority

It must be documented on the IEP at least one year before the student's 18th birthday that the student has been informed that their procedural rights and safeguards will transfer from the parent to the student on reaching the age of 18, unless the student has been determined under State law to be incompetent.

The LEA must notify the individual and the parent(s)/guardian of this transfer at least one year prior to the student's 18th birthday.

A student who has reached the age of majority may assign their educational rights to their parent(s) or another adult.

All rights of youth incarcerated in adult or juvenile federal, state, or local correctional institutions transfer to the student.

Revocation of Consent

Parent(s)/guardians may revoke consent for special education and related services. If consent is revoked, LEAs are not able to challenge the decision through mediation or due process. In addition:

1. If parent(s)/guardians revoke consent for special education, the LEA is not required to amend the student's educational records to delete all references to the student's prior receipt of special education services, and
2. If parent(s)/guardians revoke consent for special education, the LEA will not be considered in violation of its obligation to provide FAPE to the student during the period of time when the parent(s)/guardian refuse to consent to services and is not required to convene an IEP meeting or develop an IEP for the student for further provision of services.

When parent(s)/guardians 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 student, they must provide the parent(s)/guardian with prior written notice (and a copy of the Notice of Procedural Safeguards) prior to stopping services.

If the parent(s)/guardian wish to have the student considered for special education at some later date, they may refer the student for consideration for evaluation of eligibility. The student must be determined eligible using the same procedures as those established for initial referrals. There is no limit on how frequently a parent/guardian may revoke consent and then subsequently request assessment and reinstatement of special education services.

In situations where a parent/guardian disagrees with the provision of a particular special education or related service(s), but not special education in its entirety, the IEP team will need to consider whether the removal of a particular service will still provide the student with FAPE. If the IEP team makes that determination, the LEA should remove the service from the student's IEP. If there is a disagreement about whether the student would be provided with FAPE if one or more services were removed (but not special education and related services as a whole), the parent(s)/guardian or LEA may request a due process hearing to obtain a ruling regarding that service.

Chapter 5 – Surrogate Parents

Surrogate Parents

Under IDEA, a surrogate parent need not be appointed for a student who has a known and available parent, guardian, or person acting as a parent. Even in cases where natural parents have lost legal custody of their student, courts have held they still have the right to advocate for the provision of a free appropriate public education. Natural parents retain their rights regarding the education of their students unless those rights are expressly abdicated or removed by the courts.

Appointment

The LEA shall make reasonable efforts to ensure the appointment of a surrogate parent not more than 30 days after there is a determination by the LEA that the student needs a surrogate parent. A ***Surrogate Parent Agreement*** is completed with an individual who is currently eligible to serve in that role. The LEA will forward a ***Surrogate Parent Appointment*** to the SELPA and other key contact people to notify them of the assignment.

Determination of the need for a surrogate parent shall be made when one or more of the following circumstances occur:

1. The student is adjudicated a dependent or ward of the court either at the time of a referral of the student to the LEA for special education and related services, or in cases where the student already has a valid IEP and the court has specifically limited the right of the parent or guardian to make educational decisions for the student, or the student has no responsible adult to represent him or her;
2. No parent for the child can be identified;
3. The local educational agency, after reasonable efforts, cannot discover the location of a parent;
4. An adult student is a ward or dependent of the court and has been found to be incompetent; and/or
5. The student is an unaccompanied, homeless youth as defined in the federal McKinney-Vento Homeless Assistance Act.

A surrogate parent shall not be appointed for a student who has reached the age of majority unless the student has been declared incompetent by a court of law.

A student does NOT need a surrogate parent if:

1. The parent(s)' educational rights pertaining to the student have not been removed by the court.

2. The parent(s) maintain educational rights and have appointed their own educational representative for the student.
3. A court has appointed a guardian for the student.
4. The student was voluntarily placed in a residential facility.
5. The student is 18 years of age, or older, and they do not have a conservator or guardian, regardless of the individual's functioning levels.

A student may need an interim surrogate parent when he/she is initially placed in a SELPA in order to meet the requirements for an immediate educational placement while the status or location of the student's parent(s) are researched. These students may be living in: foster homes, private group homes, state hospitals or other health facilities, correctional facilities, residential treatment centers, or with other family members. If a student has a legal guardian acting on their behalf, then a surrogate parent is not needed.

Eligible Surrogate Parents

Eligibility criteria includes all of the following:

1. The individual is an adult.
2. The individual has no conflict of interest. This means that they have no interest that may bias their ability to advocate for all of the services required to ensure that the student has a free appropriate public education.
3. The individual is not an employee of the District, the California Department of Education or any other agency that is involved in the education or care of the student.
4. As far as practical, the individual should be culturally responsive to the assigned student.
5. The individual is willing to complete training provided by the District or the SELPA.
6. First preference, when selecting a surrogate, should be given to a relative caretaker, foster parent, or court appointed special advocate. Note: a relative caretaker and foster parent may also meet the definitional criteria of a parent.

An individual is eligible to serve as a surrogate parent upon completion of training and demonstration of knowledge necessary to represent the student's interest through the SELPA sponsored surrogate parent training. This training shall include:

1. disability awareness;
2. knowledge of special education requirements, local special education options, and IEP process and procedures; and
3. sensitivity to ethnic and cultural factors.

Individuals are also fingerprinted and will not be authorized to serve as a surrogate parent until a final fingerprint clearance through the Department of Justice and proof of a valid TB test have been received. In addition, verification of references will be conducted. The SELPA will maintain a list of individuals who have successfully completed these requirements. Certification based on these requirements will remain valid for two-year intervals.

Termination

A surrogate parent appointment for an individual student shall be terminated:

1. Immediately upon location of the parent(s) or legal guardian.
2. Upon an action of the court to reinstate the parent(s)' rights to represent the student in educational matters.
3. If the surrogate parent becomes an employee of a public agency involved in the education and care of the student.
4. If the surrogate parent develops a conflict of interest in representing the student. A conflict of interest means having any interests that might restrict or bias an individual's ability to advocate for all of the services required to ensure a free appropriate public education for an individual with special needs.
5. When the student turns 18 years of age.
6. If the surrogate parent fails to or is unable to fulfill the responsibility of a surrogate parent.

Roles and Responsibilities

In general, the surrogate parent is expected to:

1. Travel to and from meeting and school locations.
2. Review student records.
3. Meet and confer with school and agency personnel.
4. Observe the student during school hours prior to IEP team meetings.
5. Observe any potential or proposed educational placements.
6. Meet with the student upon assignment as the student's surrogate parent.
7. Hold all information as confidential.

A surrogate parent shall serve as the student's parent and have the same rights relative to the student's education as that of a parent. The surrogate parent may represent the student in matters related 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. This representation includes provision of written consent to assessment and to all components of the IEP. As part of serving as a student's surrogate parent, the

individual shall have access to the student's school records while serving as the surrogate parent. They must, however, maintain the confidentiality of the student's records. The surrogate parent is required to meet with the student at least one time.

Appointment of Educational Representative

Nothing in this section shall be interpreted to prevent a parent or guardian of an individual with exceptional needs from designating another adult individual to represent the interests of the student for educational and related services.

Parent(s)/guardians can designate, in writing, an educational representative for their student at any time.

Chapter 6 – Assessment and Eligibility

An individual assessment of the student's educational needs shall be conducted before any action is taken with respect to the initial placement of an individual with exceptional needs in special education. Reassessments must be conducted as specified by law.

Legal Requirements of the Assessment

Once parental consent for the assessment has been obtained, the case manager shall distribute a copy of the signed assessment plan to all staff conducting the assessment. Parent consent is not required before reviewing existing data as part of an assessment or reassessment.

All assessments shall be conducted by persons knowledgeable of the suspected disability, including assessment of a student with suspected low incidence disabilities, and shall be conducted by a multi-disciplinary team, when appropriate. Special attention shall be given to each student's unique educational needs, including the need for specialized services, materials, and equipment. Tests and other assessment materials must meet all of the following requirements:

1. Are selected and administered so as not to be racially, culturally, or sexually discriminatory;
2. Are provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to do so;
3. Are used for the purposes for which the assessments or measures are valid and reliable;
4. Are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments, except that individually administered test of intellectual or emotional functioning shall be administered by a credentialed school psychologist.
5. Include those that are tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient; and
6. Are selected and administered to best ensure that a test administered to a student with impaired sensory, manual, or speaking skills produces test results that accurately reflect the student's aptitude, achievement level, or any other factors the test purports to measure and not the student's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.

The student is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor

abilities, language function, general ability, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social, emotional, and behavioral status.

For all initial and triennial reviews, students shall have had a hearing and vision screening unless parent permission was denied. A health and developmental history is obtained, when appropriate.

In addition to assessing all areas related to the suspected disability, assessment should include reviewing the student's strengths; conducting an observation of the student in the classroom, or an age appropriate setting if the student is 3 to 5 years old; and reviewing and considering information provided by the parent, including any independent assessments.

No single measure or assessment is used as the sole criterion for determining whether a student is an individual with exceptional needs or determining an appropriate educational program for a student.

Screening and Assessment

Screening or observation by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an assessment for eligibility for special education and related services. A screening includes basic tests or procedures used for all children in a school, grade, or class. Mass screenings are not considered evaluations and thus do not require prior parental notice and consent.

Characteristics of Assessments	Characteristics of Screenings
Administered to an individual student	Administered to all students in class or school
Administered based on suspicion that a student may have a disability or a disability related need	Administered to determine appropriate instruction strategies for curriculum implementation
More complex and lengthy	Simple and quick
Initiated due to individualized concerns	Routine part of class

Reassessment

A reassessment of the student shall be conducted not more frequently than once a year, unless the parent and LEA agree otherwise, and at least once every three years, unless the parent and LEA agree in writing that a reassessment is not necessary. The purpose of the reassessment is to determine if the student continues to be a student with exceptional needs and if so, whether additions or modifications to the IEP are needed to enable the student to meet their annual goals. A triennial reevaluation must be conducted on or before the calendar date that is three years from the initial IEP meeting or previous triennial IEP meeting.

Additional data obtained through full standardized testing is often not necessary for reassessment. An assessment report containing all of the required components must be completed to document the data reviewed and continuing eligibility.

A student must be reassessed before determining that they are no longer a student with a disability except when termination of eligibility is due to graduation from secondary school with a regular diploma, or to exceeding age eligibility under State law. In such cases, the LEA must provide the student with a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting the student's post-secondary goals.

Prior to a student transitioning from preschool to transitional kindergarten/kindergarten or first grade, an appropriate reevaluation should be conducted to determine if the individual is still in need of special education and services. The reassessment procedures described above should be followed.

As part of all reassessments, the IEP team must review the following:

1. Existing records and assessment data;
2. Current classroom performance;
3. Information provided by the parent; and
4. Teachers' and related service providers' observations.

If, following this review, it is believed that no additional assessment data are needed to determine continuing eligibility, the case manager shall document this determination and discuss it with the parents. The parents must be informed that they have the right to request additional assessment. If the parents agree with the IEP team's findings and do not request additional assessment data, no additional assessment data needs to be gathered. The relevant notices and forms must be given to the parents early enough to complete a full assessment, if parents request it, before the IEP meeting due date.

If the IEP team determines that additional assessment data is needed or the parent requests additional data, the legal requirements for conducting assessments as outlined previously in the chapter must be followed.

A reassessment may not be conducted, unless the written consent of the parent is obtained prior to reassessment. Informed parental consent need not be obtained for the reassessment of an individual with exceptional needs if the local education agency can demonstrate that it has taken reasonable measures to obtain that consent and the parent of the child has failed to respond.

Components of the Assessment Report

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 of 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. For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.
7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
8. The need for specialized services, materials, and equipment for pupils with low incidence disabilities.

In addition to the required components listed above, the following are required for inclusion in the assessment report to document consideration by the assessment team:

1. A statement regarding the validity of the assessment and the tests used;
2. Information provided by the parent;
3. Summary of any independent assessments, when provided by the parent;
4. A statement regarding the Larry P. vs Riles litigation, as appropriate; and
5. A statement regarding the English Language status of the student.

Reports must be completed for all assessments and assessments conducted for the purpose of obtaining additional information. Parents are provided a copy of the assessment report with documentation of how eligibility or non-eligibility was determined.

Eligibility Criteria

To be eligible for special education and related services under the IDEA, Part B, a student must be between the ages of three and 21 years, with initial eligibility occurring before the age of 19 years, and be determined by an IEP team to meet the definition of one or more of the categories of disability specified under the IDEA (listed below). The IEP team shall take into account all of the relevant material which is available on the student. Additionally, the student must require special education and related services as a result of their disability or disabilities to achieve a free appropriate public education.

Federal regulations state that a child shall not be determined to be a child with a disability if the “determinant factor” is a “lack of appropriate instruction in reading, including the essential components of reading instruction”. Essential components of reading instruction include:

1. Explicit and systematic instruction in phonemic awareness;
2. Phonics;
3. Vocabulary development;
4. Reading fluency, including oral reading skills; and
5. Reading comprehension strategies.

In addition, federal regulations include an exclusion from eligibility for determinant factors of limited English proficiency and lack of instruction in math.

Disabling Conditions

The specific disabling conditions identified by IDEA and California Education Code are:

1. Autism
2. Deaf-Blindness
3. Deafness
4. Emotional Disturbance
5. Hearing Impairment
6. Intellectual Disability
7. Multiple Disabilities
8. Orthopedic Impairment
9. Other Health Impairment
10. Specific Learning Disability
11. Speech or Language Impairment
12. Traumatic Brain Injury
13. Visual Impairment
14. Established Medical Disability (ages 3-5 only)

SIRAS Eligibility Checklist Forms include eligibility criteria for each of the specific disability categories identified in IDEA along with other considerations for assessment/documentation in order to establish eligibility and to identify educational needs.

Assessment of African American Students Under Larry P. Decision

As a result of the Larry P. vs. Riles litigation, the California Department of Education (CDE) has stipulated the use of intelligence tests is prohibited for students identified as African-American when utilized for the purpose of identifying the student with an Intellectual Disability (formally EMR) and/or for the

purposes of placing a student into a special education class designed for students identified with an Intellectual Disability (or classes serving the substantially same function). Other measures must be used in this case to measure intellectual or cognitive abilities of an African-American student, even with informed parent consent.

In the case of lack of self-identification, the California Department of Education (CDE) suggests that observer identification should be used. (Larry P. v. Riles, 495 F Supp. 926 (N.D. Cal. 1979), *affd. in pt.*, Larry P. v. Riles, 793 F.2d 969 (9th Cir. 1986)).

To ensure compliance with the Larry P. mandate, CDE has established compliance review procedures to evaluate how well school districts are meeting this mandate in relation to their African American students.

The following areas are monitored by CDE to ensure compliance with this mandate:

1. Does the assessment plan include a description of alternative means that will be used to assess language impairment or specific learning disabilities when standard tests are considered invalid?
2. Is there evidence that the assessment will be comprehensive? Do tests and other assessment materials meet the following requirements:
 - a. Are materials selected and administered that are not racially or culturally discriminatory?
 - b. In the cases where intelligence testing is prohibited, do assessment procedures ensure that intelligence tests are not administered to African American students?
 - c. Do assessments result in a written report which includes the findings of each assessment and contain required information?
3. To what extent is the assessment varied from standard conditions?
4. What effects do environmental, cultural, or economic conditions have on the child's performance?

In making a determination of whether a test falls under the IQ test ban for African-American students, the assessor or assessment team should consider:

1. Is the test standardized and does it purport to measure intelligence (cognition, mental ability or aptitude)?
2. Are the test results reported in the form of IQ or mental age?
3. Does evidence of the (construct) validity of the test rely on correlations with IQ tests?

An affirmative answer to any of these questions indicates that use of the test may fall within the ban.

Test Selection and Assessment Considerations for Students Who are English Learners

The following requirements of test selection and administration are specifically related to students who are in stages of English Language Development (ELD). Tests must:

Be selected and administered so as not to be racially, culturally or sexually discriminatory.

- Be provided and administered in the student's native language or other mode of communication, unless the Assessment Plan indicates reasons why such provision and administration are clearly not feasible (students who have been formally re-designated/reclassified as Fluent English Proficient may not need testing in their native language).
- Materials and procedures used to assess a student with limited English proficiency are selected to ensure that they measure the extent to which the student has a disability and needs special education, rather than measuring the student's English proficiency.

Best practices include the use of informal assessment in addition to standardized measures. Informal and formal assessment procedures should include:

- Background information
- Developmental milestones
- Language use: home survey to determine predominant language
- Interviews with parents and teachers regarding student's language use and academic progress
- Health history
- Observations in multiple settings
- Assessment in both native language and acquiring language
- Criterion-referenced measures

When evaluating students who are in the stages of EL development, it is important to consider the following:

- **Nonverbal Test of Intelligence:** Nonverbal tests are often used in testing bilingual students. Unfortunately, nonverbal measures of intelligence are less reliable than verbal measures as they measure limited aspects of overall intellectual ability.
- **Translated Tests:** Assessors are cautioned against use of translated tests due to impact on validity. While it is not difficult to translate a test, it may be difficult to translate psychometric properties from one language to another. For example, a word in English may have a different meaning when translated into another language such as Spanish, Hmong, Russian, or Chinese. Furthermore, translation assumes that the EL student has the same cultural background as the norming population, which may not be the case.

- **Use of Interpreters:** The use of trained bilingual paraprofessionals is an invaluable resource to an evaluator when she/he does not speak the language(s) of the student to be assessed. Qualified individuals can be used to gather information in interviews and to collect data from non-standardized, criterion-referenced instruments.
- **Test Results:** Assessors should interpret results with caution and take into account developmental history, observations, and other forms of data to inform decisions.

Patterns of Strengths and Weakness (PSW)

Patterns of Strengths and Weaknesses is a method of assessing students in order to identify them as a student with a specific learning disability. There are many models and methods to determine if a student has a pattern of strengths and weaknesses, however they all rely on the basic belief that a student with a learning disability has average to above average cognitive profiles as well as processing strengths and weaknesses that are directly related to the student's academic strengths and weaknesses.

The comprehensive evaluation required within the PSW model provides information about a learner's individual cognitive processes that is only pursued when considering a student's lack of response to appropriate or targeted interventions; thus the PSW Model answers the essential question of why the student is not responding. It also serves to better assist teams in ruling out additional causes for underachievement, including exclusionary factors and cognitive characteristics that do not support the conceptualization of SLD (e.g., all weaknesses and no strengths). This model may further assist teams in explaining what areas can be remediated and what areas require accommodations (Hanson et.al., 2009)

Flow Chart: Assessment and Reassessments

60 days
from
the
receipt
of
parent
consent
to
assess
ment
plan

All assessments are conducted according to legal requirements including the selection of assessment materials, administration of assessments and areas of assessment. Reassessments not requiring additional assessment data shall consist primarily of record reviews, student observations and interviews.

Assessment reports, which must contain all required components, are written. Each assessor is responsible for completing his or her section of the report and submitting it to the case manager prior to the IEP meeting. Assessment reports must be completed regardless of whether additional assessment data was obtained.

The assessment must be completed and an IEP team convened to consider the results of the assessment within 60 calendar days of receiving parental consent for the assessment (see Chapter 12 - Summary of Timelines for exceptions for school recesses and holidays).

(E.C. § 56320)
(E.C. § 56320(a)-(d) and 56136)
(E.C. § 56320(e)-(f))
(E.C. § 56321 (f))
(E.C. § 56381(a)(1)-(2))
(E.C. § 56381(h))
(E.C. § 56381(i)(2))
(E.C. § 56445(a))
(E.C. § 56381(b)(1))
(E.C. § 56381(d))
(34 C.F.R. § 300.300(c)(2))
(E.C. § 56381 (f)(1))
(E.C. § 56327(a)-(h))
(E.C. § 56329(a)(3))
(E.C. § 56026(a)-(c)(3)-(4))
(5 C.C.R. § 3030(b)(13))
(E.C. § 56350)

Chapter 7 – The IEP Team Meeting

Circumstances Requiring an IEP Team Meeting

IEP Team meetings are required under a variety of situations. An IEP team meeting must be held:

1. When an initial or subsequent formal assessment has been conducted (including triennials);
2. When the student's placement of instruction, services, or both as specified in the IEP are to be initiated, changed, or terminated. This includes placement changes due to discipline;
3. When a student demonstrates a lack of anticipated progress;
4. A teacher requests a meeting to develop, review, or revise the IEP;
5. At least annually to review progress, goals, placement and related services, and supplementary aids and services and to make any revisions to the IEP;
6. Within 30 days of receiving a request for a meeting from a parent to review and/or revise the IEP;
7. Within 30 days of making an interim placement of a student transferring from a district outside of the SELPA into any special education program;
8. For any changes to placement; and
9. When a manifestation determination must be made due to student discipline issues.

Required Members of the IEP Team

Each meeting to develop, review or revise the IEP of an individual with exceptional needs shall be conducted by a team. The IEP team shall include all of the participants discussed below.

1. One or both parents of the student or a representative selected by the parent, or both, or surrogate parent when appropriate. The parent or guardian shall have the right to present information to the IEP Team in person or through a representative and the right to participate in meetings, relating to eligibility for special education and related services, recommendations, and program planning.
2. Not less than one general education teacher if the student is, or may be, participating in the regular education environment. If more than one general education teacher is providing instructional services to the student, one general education teacher may be designated by the LEA to represent the others. It is recommended that if only one general education teacher will be attending the meeting that the selected teacher is one that serves the student in a key area of the student's program.
3. Not less than one special education teacher of the student, or if appropriate, not less than one special education provider of the student.

4. An administrator or designee from the LEA who meets all the following:
 - a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exception needs;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Has the authority to commit school level resources and LEA resources.
5. An individual who can interpret the instructional implications of the assessment results. This individual may already be a member of the team as described above in items 1 through 4.
6. For students with suspected learning disabilities, at least one member of the IEP team shall be qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. At least one team member shall observe the student's academic performance and behavior in the area of difficulty in the student's learning environment, including the regular classroom setting. In the case of a child who is less than school aged or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

Additional Members of the IEP Team

When appropriate, the team shall also include the following persons:

1. At the discretion of the parent, guardian, or the LEA, other individuals who have knowledge or special expertise regarding the student including related services personnel, as appropriate. The party who invites the individual to be a member of the IEP team shall make the determination of whether the individual has knowledge or special expertise regarding the student.
2. The individual with exceptional needs.
3. To the extent appropriate, with the consent of the parents or a student who has reached the age of majority, the LEA shall invite a representative of a participating agency that is likely to be responsible for providing or paying for transition services.
4. In the case of a child who was previously served as a toddler in an Early Start program (IDEA, Part C), an invitation to the initial individualized education program team meeting shall, at the request of the parent, be sent to the Early Start service coordinator or other representative of the Early Start program.

Excusing Required IEP Teams Members

IEP team members may be excused from attending a meeting, in whole or in part, provided that both the parent and the LEA agree and the parent's agreement is in writing, when:

1. The team member's area of the curriculum or related service is not being modified or discussed; or
2. The team member's area of the curriculum or related service is being discussed; however, the team member submits written input into the IEP development before the meeting.

When an IEP team member is to be excused, the name(s) of the excused member(s), as well as the parent'(s)/guardian's consent, must be documented on the IEP form used to document the excusal. This agreement should be completed prior to the IEP meeting.

If at least one special education teacher or service provider is in attendance at the IEP meeting, the meeting has met its requirement for required members of the IEP team meeting. If additional service providers are not required to attend because their area of curriculum or related services is not being modified or discussed in the meeting, then an excusal is not required for the additional service provider.

For students with IEPs who attend special education programs or receive special education services that are not on a general education campus, are in a residential care facility, or are on 'Home & Hospital' instruction and the IEP team will not be discussing the student's potential participation in the general education program, a general education teacher is not required to be in attendance at the meeting.

Responsibilities of the IEP Team

The IEP team shall:

1. Review results of any assessments and identify areas of need;
2. Determine eligibility (initial and reassessments);
3. Determine present levels of academic achievement and functional performance for each area of identified need;
4. Develop goals and, if appropriate, short-term objectives or benchmarks for each area of identified need; and
5. Determine appropriate supports, placement, and related services.

Notice of the IEP Team Meeting

The Case Manager convening a meeting of the IEP team is responsible for completing a notice of the IEP team meeting and providing it to the parents. The IEP team meeting shall be scheduled at a mutually agreed upon time and place. Parents shall receive notice of the IEP meeting early enough to ensure an opportunity to attend. It is recommended that the written notice be sent approximately two weeks prior to the meeting date. The notice of the meeting shall indicate the purpose, time, and location of the meeting and who shall be in attendance. The notice must also include a reminder to the parents of their right to bring other people to the meeting who have knowledge or special expertise regarding the individual with exceptional needs.

For students transferring from an infant/toddler program to a preschool program, the notice must indicate the right to have the Early service coordinator attend. Beginning not later than the first IEP in effect when a student turns 16, the notice also must indicate that a purpose of the meeting will include consideration for the postsecondary goals and transition services for the student and that the LEA will invite the student and a representative of any agency that may be involved in providing transition services. If an IEP team meeting must be scheduled within a shorter time period, it is recommended that the parents be contacted by phone to set a mutually agreeable date, time and location for the meeting. This phone contact should be logged and must be followed by sending the parents the written notice of meeting.

Preparation for the IEP Team Meeting

The IEP meeting, while allowing time for presentation of assessment data, should concentrate on development of the education plan. Organization, advance planning, and effective meeting management can assist the team to stay focused on this goal and keep time required to complete the meeting to the minimum.

The case manager is often responsible for much of the pre-IEP meeting organization. This includes activities such as scheduling the meeting, notifying all team members of the scheduled meeting, arranging to hold the meeting in a comfortable location, and collecting completed reports and other required IEP documents from team members prior to the meeting.

Prior to the IEP team meeting, the case manager may schedule an informal meeting with staff members involved in assessing and/or serving the student. This meeting will allow staff members to share assessment data, student progress, and perceptions about the student's educational needs.

Parent Participation in the IEP Team Meeting

Every attempt shall be made to convince parents to participate in each IEP meeting since they have the right to participate in all meetings relating to eligibility for special education and related services, recommendations for educational placement, and program planning. Parents whose primary language is not English are to receive written notices in their primary language. If this is not feasible, a translator is to read the written notices to parents.

Holding an IEP Team Meeting without Parent Attendance

A meeting can be conducted without a parent in attendance if the case manager, or other district representative, is unable to convince the parent that they should attend in person or through a conference call. Prior to holding a meeting without the parent in attendance, there should be at least three attempts to convince the parent to attend using at least two different means of contact. The case manager shall maintain a record of their attempts to arrange a mutually agreed upon time and place, including:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parent and any responses received; and
3. Detailed records of visits made to the home or place of employment of the parent and the results of those visits.

Conducting the IEP Team Meeting

The IEP team meeting is convened and conducted within appropriate timelines (e.g., within 60 days of receiving consent for an assessment unless the parent agrees, in writing, to an extension, which does not alter the LEAs timeline requirements for compliance purposes; within three years of initial assessment or last triennial reevaluation; and within one year of last IEP). If the parent requests that a meeting be postponed to a date that exceeds the 60-day timeline, with parent permission, the team may want to hold an initial meeting prior to the due date and then schedule a continuation of the meeting on the date that the parent has requested. At the initial meeting, preliminary discussions about the student's needs may occur. Final discussions and decisions occur at the subsequent meeting with the parent present. The second meeting is a continuation of the initial meeting and will be recorded as such through the electronic IEP system. Each team member should indicate the dates that they were in attendance.

The case manager, or other designated individual, is responsible for facilitating the IEP team meeting. This includes introducing all team members, establishing rapport, explaining the purpose of the meeting, setting the agenda, and organizing the presentation of data. Whenever the team anticipates that an IEP

meeting will be particularly difficult, the appropriate district special education administrator should be notified.

A few minutes of preparation can increase the effectiveness of the meeting. Prior contact with the parent greatly reduces parental anxiety (and your own).

Location

It is important to hold the meeting in a comfortable setting. The most common and sometimes most productive place to meet with parents is in the student's classroom. This has a number of advantages:

1. Everyone feels comfortable because of the familiar surroundings;
2. Immediate access to all necessary files, materials, etc.;
3. The classroom serves as a reminder of important behaviors a student has displayed; and
4. It sets the stage that the purpose of the meeting is the student's education.

Seating

The seating should be arranged so that all team members have a clear view of each other. Enough seats should be available for all participants. Seating should be spaced sufficiently to allow for comfort of all participants.

Introductions/Overview

Introductions and an overview are important to provide the working framework for the meeting. The facilitator reviews the format, beginning with a statement of the purpose of the meeting and desired outcomes. It is helpful to state the anticipated length of time for the meeting to last. Team members should introduce themselves, explain their role, and describe the degree of contact they have had with the student. The parents should be reminded that their input is essential when discussing their child.

Organization

An agenda should be developed and followed allowing an ordered flow of information and presentation of documents. The facilitator is the overseer of the meeting, preventing personal attacks, keeping the group focused on the agenda, monitoring the time, preventing filibusters, reading body language, etc.

Sharing Information

The person who assessed or provides services in each area should address that area. If an assessment report has been developed, the report should be distributed and used as a point of reference. The facilitator generally introduces a

topic and then turns it over to the appropriate specialist. Listed below are some suggestions for presenting material:

1. Approach the parents in a non-threatening manner, respect the parents' opinion and solicit their input;
2. Show interest in the student and describe the student's strengths;
3. Speak in a "lay person's" vocabulary and avoid using educational jargon;
4. Explain test acronyms (WISC, CELF), phrases (auditory discrimination, spatial organization), statistical terms (standard deviation, G.E., stanine, C.A.) and program or service types (RSP, SDC);
5. Use test percentile scores (as opposed to age or grade equivalent scores), when possible, as they are often the least misinterpreted;
6. Each presenter should provide a graphic representation of their findings and/or provide a description of the test items and explanation of scores;
7. Be prepared to discuss expectations for the "average" or "typical" student in the various academic areas and contrast this with student's work samples as a basis for discussion;
8. Provide specific descriptions about progress such as "At the beginning of the year, he could do such and such and now he can do...", instead of non-descriptive generalizations such as, "He's made so much progress";
9. Do NOT blame the student if little or no progress has been made; instead explain that the program must be modified until the best method of teaching the student is identified; and
10. Be alert to non-verbal body language.

Conclusion

At the end of the meeting, the case manager should summarize the data presented and relate it to the purpose of the meeting. After the summary:

1. Review all paperwork to ensure completion;
2. Obtain signatures (physical or electronic);
3. Distribute physical and/or electronic copies to the parents and all service providers; and
4. Thank everyone for their participation

If, during an IEP team meeting, unanticipated issues arise that cannot be resolved without the presence of the LEA special education administrator, the meeting should be stopped and reconvened at a later date when they can be in attendance.

Due to one of the legally mandated circumstances, an IEP team meeting must be convened to develop or review and revise a student's IEP.

The case manager identifies all of the required members of the team; notifies the members of the need for a meeting; schedules the meeting with the parent at a mutually agreed upon date and time; and obtains parent signature on the notice of the IEP team meeting.

The IEP Team meeting is convened within appropriate timelines (e.g., within 60 days of the receiving consent for an assessment unless the parent agrees, in writing, to an extension, which does not alter the LEAs timeline requirements for compliance purposes; within three years of initial assessment or last triennial reevaluation; and within one year of last IEP).

At the IEP team meeting, eligibility (initial and reassessment meetings only), areas of identified need, and present levels of academic achievement and functional performance are reviewed. Previous goals and objectives/benchmarks are reviewed (except for initial meetings) and new or revised goals and objectives/benchmarks are developed. Appropriate placement, services, and program supports are determined. The IEP document is completed and must include all required components. All IEP team signatures and parental consent are obtained. A copy of the IEP and assessment reports, if any, are provided to the parent and all service providers.

The case manager collects all required paperwork and submits it according to the established practice for the LEA.

(E.C. § 56343(a))
(E.C. § 56343(c))
(E.C. § 56343(d))
(E.C. § 56343.5)
(E.C. § 56325(a)(1))
(34 C.F.R. § 300.16)
(20 U.S.C. 1415(k)(1)(E)(i)(I))
(E.C. § 56341(b)(1)-(5) and (c))
(E.C. § 56341(f) and (g)(1)-(2))
(E.C. § 56342(a)(1)-(4))
(34 CFR 300.306(1))
(34 C.F.R. 300.322(a)-(b))
(E.C. § 56341.5(c))
(E.C. § 56341.5(h))

Appendix:

Special Education Provider Checklist For IEP Meetings (High Quality IEPs)
Preparing for the IEP Meeting - Before the IEP (High Quality IEPs)

Chapter 8 – Required Components of the IEP

Required Components

An Individualized Education Program (IEP) describes the educational program that has been designed to meet a student's unique needs. Each student who receives special education and related services must have an IEP. Each IEP must be designed for one student and must be a truly individualized document. The IEP creates an opportunity for parents/guardians, teachers, school administrators, related services personnel, and students (when age appropriate) to work together to improve educational results and is a cornerstone of a quality education for each child with a disability. The IEP is a legally binding document.

SELPA approved forms are required in order to ensure that all required components of the IEP are included in the document.

Required components of the IEP documents include:

- 1) The present levels of the student's academic achievement and functional performance, including the following:
 - a) For a school-age child, how the student's disability affects the student's involvement and progress in the general curriculum; and
 - b) For a preschool-age child, as appropriate, how the disability affects the child's participation in appropriate activities.
- 2) Measurable annual goals that show a direct relationship to the results of any evaluation, the present levels of academic achievement and functional performance, and the educational services to be provided. These goals should be designed to:
 - a) Enable the student to be involved in and progress in the general education curriculum; and
 - b) Meet each of the student's other educational needs that result from the student's disability.
- 3) A description of the manner in which progress of the student toward meeting the annual goals will be measured and when periodic reports on the student's progress will be provided (such as through quarterly, or other periodic reports, concurrent with the issuance of report cards).
- 4) The specific special education instruction, related services, and supplementary aids and services, based upon peer reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to:
 - a) Advance appropriately toward attaining the annual goals;
 - b) Be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and
 - c) Be educated and participate with other students with disabilities and non-disabled students.

- 5) An explanation of the extent, if any, to which the student will not participate with non-disabled students in the general education class and extracurricular and nonacademic activities.
- 6) The individual modifications in the administration of state or district-wide assessments of student achievements that are needed for the student to participate in the assessment.
- 7) If the IEP team determines that the student will not participate in a particular state-or district-wide assessment of student achievement (or part of an assessment), a statement of the following:
 - a) Why that assessment is not appropriate for the student;
 - b) How the student will be assessed and the reason that the alternative assessment is appropriate.
- 8) The projected date to begin the services and accommodations/modifications described in the IEP, and the anticipated frequency, location, and duration of those services and accommodation/modifications.
 - a) Accommodations are changes in course content, teaching strategies, standards, test presentation, location, timing, scheduling, expectations, student responses, environmental structuring, and/or other 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 standard or expectations of the course/standard/test.
 - b) Modifications are changes in course content, teaching strategies, standards, test presentation, location, timing, scheduling, expectations, student responses, environmental structuring, and/or other attributes which provide access for a student with a disability to participate in a course/standard/test, which DO fundamentally alter or lower the standard or expectations of the course/standard/test.
- 9) Beginning not later than the first individualized education program to be in effect if determined appropriate by a pupil's individualized education program team, beginning when an individual with exceptional needs is starting their high school experience and not later than the first individualized education program to be in effect when the pupil is 16 years of age, as provided., and updated annually thereafter, the following shall be included:
 - 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 courses of study, needed to assist the student in reaching those goals.

Present Levels of Academic Achievement and Functional Performance

Purpose

An appropriate program for a student with a disability begins with an IEP that reflects the results of any current assessment information and describes the needs of the student to be addressed through the provision of special education services, including strengths, interests and preferences and concerns of the parents(s)/guardian(s). This section of the student's IEP identifies the areas of unique needs related to the student's disability and the current level of functioning, including the strengths of the student related to those needs. This is the foundation on which the IEP team begins to build goals and services to address the student's individual needs.

This section of the IEP should:

- a. Summarize the information from a variety of sources;
- b. Translate information from technical evaluation/assessment reports to clear, concise statements;
- c. Identify the instructional implication of evaluations; and
- d. Describe, in language the parents(s)/guardian(s) and other team members can understand, the unique needs of the student that the IEP will address and identify the student's level of performance in those needed areas.

Evaluation Results and Summary of Present Levels

The "present levels" statement is based on, and arises out of, all the information and data previously collected and known about the child, most especially the full and individual evaluation of the child that must be conducted in accordance with IDEA's evaluation/eligibility provision. A well-written present level will describe:

- a. The child's strengths and weaknesses,
- b. What helps the child learn,
- c. What limits or interferes with the child's learning,
- d. Objective data from current evaluation of the child, including the results of the student's performance on any general state or LEA-wide assessments, and
- e. How the child's disability affects their ability to be involved and progress in the general curriculum.

Information is summarized in seven general need areas:

- a. Pre-academic/Academic/Functional Skills
- b. Communication
- c. Gross/Fine Motor
- d. Social Emotional/Behavioral
- e. Vocational
- f. Adaptive/Daily Living Skills
- g. Health

If a student is functioning at age/grade level or does not demonstrate a need in one or more of these areas, that information should be noted in the IEP.

Present level statements should answer the following questions:

- a. What are the student's unique needs that result from his/her disability?
- b. What is it that the student can do at this time?
- c. Where does the student stand academically, and how does the child's disability affect his or her involvement and progress in the general education curriculum?
- d. Where does the student stand in terms of functional performance? How does the child's disability affect functional performance and, from there, his or her involvement and progress in the general education curriculum?

Goals and Objectives/Benchmarks

Purpose

Goals set the general direction for instruction and assist in determining specific strategies, experiences, and skills a student will need to increase his or her abilities. Goals must be directly related to the areas of identified need and the present levels of academic achievement and functional performance. Goals are also descriptions of what a student can reasonably be expected to accomplish within a 12-month period with the provision of special education services. Goals are NOT a guarantee of what will be achieved. When a goal is written, it must be stated so that it is meaningful; in other words, it reflects a skill that is necessary for success in current and future environments. Goals are also useful in making decisions regarding a student's education by monitoring the goal results in data that can be used to determine the effectiveness of the individual's education program and make appropriate changes to the IEP to help the student be successful.

Factors to Consider in Selecting Goals

The IEP team discusses present levels of academic achievement and functional performance as determined through formal and informal assessment data. Student areas of need are then identified and goals are selected for improving student achievement in those areas. Along with special education providers, parents(s)/guardian(s), the general education teacher(s), and potentially the student are essential participants when selecting goals. The number of goals depends on the student's needs. Prerequisite skills, immediate needs, and general applicability are all factors to consider when establishing priorities. The IEP team must establish challenging goals that can be achieved within a year.

Goals can be selected on a number of factors, including:

1. "Is this still important to the success of this student in current and future environments?" If the IEP team can answer "Yes" to the question, it may be an important area of need to address a goal. If the answer is "No" then the goal is probably not critical for that student.
2. The IEP team may also consider the importance of the goal in light of social relevance. Social relevance answers the question: "is this skill/behavior one that the student's peers engage in?" If the answer is "Yes" then this goal is probably a valid one to consider.
3. Goals must be based on California, LEA, or district content standards and curriculum whenever appropriate.

Summary of Key Concepts in Using Common Core State Standards to Write Goals for a Student with Special Needs

1. Age-Appropriate Grade Level Standards: Refer to the appropriate grade level the student would be in if they did not have special needs. IEP teams should be able to articulate to students and families what the standards are and develop and provide a special education program with the ultimate goal of making progress towards mastery of the Common Core State Standards.
2. Legal Requirements: The purpose of writing IEP goals is to:
 - a. Meet the needs of the individual that result from the disability to enable the pupil to be involved in and make progress in the general education curriculum; and
 - b. Meet each of the other educational needs of the pupil that result from the disability.
3. Case law has established that LEAs should write goals commensurate with the student's abilities. [Milford Board of Education [2nd Circuit 1997] 103F.3d 1114, 1121; Chula Vista Elementary School District [SEHO 2003] 40 IDELR 80]
4. Present Levels of Performance: All areas of need identified in the assessments should be noted in the present levels of performance, as IEP teams have a legal obligation to formulate goals and objectives that address those needs. While acquisition of state content standards is the desired outcome for IEP goals and objectives, IEP teams must consider the student's instructional level as described in the present levels of performance. That level forms the baseline for planning progress.
5. Addressing Needs: IEP teams are required to use content standards of the student's current grade level in drafting appropriate goals and objectives to address a student's unique needs (See OSEP 2015 Dear Colleague Letter on FAPE). Every area of weakness identified in assessment and present levels of performance should be addressed in the IEP. If not, there should be a written explanation. The IEP team develops goals which can be achieved in one year. (Note: If a student is taking the California Alternate Assessment, a grade level goal in the

- content area that is being taken is required; see “unpacking” strategy below for suggestion on how to make the goal achievable for the student.)
6. Choosing What Standards to Write Goals To: IEP goals are not a repetition of the standards. The IEP is not the curriculum, but rather creates access to the curriculum for individual students based on their priority areas of need. For those specific priority areas of need (e.g., decoding skills for reading), a goal may be written to address the gap between a standard and the student’s functioning level. IEP goals are designed to keep the specialized instruction the student receives focused on what their individual needs are.
 7. Strategies for Linking Goals to Grade Level Standards: A recommended strategy- “Unpacking” or “Trellising”. Most standards contain many components and for some students only a portion of the standard may be attainable within one year. In this case, it is still appropriate to indicate the grade appropriate standard, even if the goal will be written for only a portion of the standard.
 8. Accommodations/Modifications: It is important to inform parents and the student if the goal is written to address a standard at a lower grade level or will address only a portion of the standard. If accommodations are needed to achieve the goal (i.e., graphic organizers, math fact tables, teacher prompts), they should be indicated on the IEP. If there will be modifications to instruction and grading (i.e., a lower grade level) for the student, the IEP should reflect that information as well.

Writing the Goal

Goals must be written so that any individual (including someone not involved in developing or writing the goal) can use the information provided to develop appropriate instructional plans and assess student progress. To ensure that the same intended outcome is communicated to anyone reading the goals, they should be written to include the elements described below:

Who? *The student will.....(use the student’s name)*

Does what (behavior)? *The observable behavior or skill that the student will engage in to demonstrate completion of the goal (e.g., Julie will read 100 words per minute).*

When given what (setting/conditions)? *The environment, materials, equipment, prompts, etc. that the student will be provided to demonstrate the desired behavior (e.g., when given a fourth grade level passage), mention of specific instructional programs should be avoided (e.g., Lindamood-Bell, Earobics, Reading Mastery, SCERTS).*

At what level (master & criteria)? *The performance accuracy (accuracy/criteria) that is needed (e.g., with 95% decoding accuracy) and how many times the mastery level must be observed (consistency/mastery) in order for the goal to be considered met (e.g., 4 out of 5 times).*

As measured by (method of evaluation)? How the student's progress towards meeting the goal will be evaluated (measurement instrument, observation and charting, teacher made test, daily work samples, etc.).

By when (timeframe)? Specific point in time by when the goal will have been met (By April 15, 20xx).

One strategy used to evaluate whether a goal is well-written is "SMART", which stands for:

1. Is it specific?
2. Is it measurable?
3. Is it achievable?
4. Is it relevant?
5. Is it time limited?

A statement of the student's current or baseline ability to perform the critical elements(s) of the goal that will be used to measure progress must also be provided; for example, 1 out of 5 times (goal is 100 words per minute). It is important to ensure that how progress will be measured in a goal directly relates to the baseline data and is reasonably attainable for the student. Baseline information should be an indicator of where a student is starting, and how progress will be measured over the course of the year. Following is an example of a reasonably attainable statement and goal:

Baseline: When given a list of five mixed whole numbers and decimals, Mary can order/compare these numbers to two decimal places with 50% accuracy in five consecutive trials as measured by student work samples.

Goal: By April 12, 2012, when given a list of five mixed whole numbers and decimals, Mary will order/compare these numbers to two decimal places with 90% accuracy in five consecutive trials as measured by student work samples.

Benchmarks and Short-Term Objectives

In addition to goals, benchmarks or short-term objectives must be established for students taking the California Alternative Assessment (CAA) to monitor progress towards each goal.

1. Benchmarks are major milestones representing a task analysis of the goal.
2. Short-term objectives are specific statements that include conditions, behavior and criterion. They are intermediate steps between a student's present level of educational performance and the annual goal and are based on a logical breakdown of the major components of the annual goal.

Both benchmarks and short-term objectives must be measurable and represent progress toward the goal. They assist in setting the general direction to be taken

by those who will implement the IEP and are the basis for developing a detailed instructional plan for the student. Annual goals and benchmarks or short-term objectives allow the IEP team to monitor a student's progress, review and revise the instructional plan, and evaluate the appropriateness of his or her educational program. They are typically written to correspond to the student's regular reporting periods. Sample goals are provided below:

Sample Goals Without Short-Term Objectives or Benchmarks	Sample Goals with Short-Term Objectives or Benchmarks
By February 3, 20xx, when provided with a writing prompt at his grade level, Jose will write at least a six-sentence paragraph using at least three different sentence types scoring 45/50 at least 4/5 times as measured by placement on teacher-made writing rubric (baseline: 1/5 times).	By February, 20xx, when given a teacher direction, Gregg will orally count, read, and write whole numbers to 100 with 80% accuracy on 3 consecutive trials as measured by teacher-made test (baseline: numbers to 25). <i>Short-Term Objectives:</i> 1. By June, 20xx, when given a teacher direction, Gregg will orally count, read, and write, whole numbers to 50 with 80% accuracy on 3 consecutive trials as measured by teacher-made test. 2. By November, 20xx, when given a teacher direction, Gregg will orally count, read, and write whole numbers to 75 with at least 80% accuracy on 3 consecutive trials as measured by teacher-made test.
By June 30, 20xx, given sample passages of at least 200 words or more from high school level textbooks, Michelle will read grade level materials at an average rate of 100 words per minute (WPM) with 98% accuracy or better in 4/5 trials as measured by curriculum-based test (baseline: 75 WPM).	By April 15, 20xx, when escorted to the grocery store and given a shopping list with icons of needed items, Angelica will independently find all items on the list and take them to the register 100% of the time in 2/3 trials as measured by observation and charting (baseline: requires visual and verbal prompts). <i>Benchmarks:</i> 1. By June, Angelica will independently find appropriate grocery aisle.

	2. By October, Angelica will independently place items in the shopping cart. 3. By January, Angelica will independently push the cart to the register.
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See **Checklist for Writing IEP Goals** for more information.

Free Appropriate Public Education and Special Education Services and Supports

Each member Local Education Agency (LEA) of the Placer County SELPA must provide an education for all students, including those with disabilities. Each LEA recognizes that all individuals with disabilities have the right to receive a free appropriate public education (FAPE), including children with disabilities who have been suspended or expelled from school.

Each Local Education Agency (LEA) shall provide, or arrange for provision of, special education instruction and services for individuals with disabilities in accordance with the federal Individuals with Disabilities Education Act (IDEA). Modifications and/or special services and aids shall also be provided as needed for students who are eligible for services under Section 504 of the federal Rehabilitation Act of 1973, the Americans with Disabilities Act and related federal regulations. Appropriate education is that combination of educational and related service(s) as determined on an Individualized Education Program (IEP) that meets the unique needs of each individual in order to benefit from their access to educational opportunities.

Under the IDEA, a Free and Appropriate Public Education (FAPE) is defined as an educational program that is individualized to a specific child, designed to meet that child's unique needs, provides access to the general curriculum, meets the grade-level standards established by the state, and from which the child receives educational benefit. This includes the specific ***special educational instruction; related services; and supplementary aids and services*** based upon peer reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the ***program modifications or supports for school personnel*** that will be provided for the student to:

1. Advance appropriately toward attaining the annual goals;
2. Be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and
3. Be educated and participate with other students with disabilities and non-disabled students.

Specialized Academic Instruction

Specialized academic instruction is instruction that is specifically designed to meet the unique needs of a child with a disability. This means education that is individually developed to address a **specific** child's needs that result from his or her disability. It is individualized for each student.

Specialized Academic Instruction for any student can consist of:

1. An individualized curriculum that is different from that of same-age, nondisabled peers (for example, teaching a student with blindness to read and write using braille);
2. The same (general) curriculum as that for nondisabled peers, with adaptations or modifications made for the student; and
3. A combination of these elements;
4. Specially designed instruction may mean adapting the content, methodology or delivery of instruction.

The IEP only addresses those educational needs resulting from the child's disability. It does not necessarily outline the student's entire education.

Related Services

Related services assist students with disabilities in benefitting from special education by providing specialized support in needed areas. Related services can include, but are not limited to:

1. Speech-language pathology and audiology services
2. Interpreting services
3. Psychological services
4. Physical and occupational therapy
5. Assistive technology services
6. Behavior services
7. Counseling services
8. Orientation and mobility services
9. School health and school nursing services
10. Social work services
11. Parent counseling and training

Determining the need for related services begins with an assessment in each area of suspected disability. Typically, the need for related services can be determined based on assessments conducted and the analysis of other IEP team information.

The LEA must ensure that all related services specified in a student's IEP, including the amount, are provided to the student. It is recommended that each LEA develop specific guidelines for all service providers regarding documentation and logging of services. Changes in the frequency/location/duration cannot be made without obtaining parent consent. IDEA does not expressly require the IEP

team to include all related service personnel at each meeting; however, if a particular related service is going to be discussed at an IEP meeting, it would be recommended for such personnel to be included or otherwise involved in developing the IEP.

Supplementary Aids and Services

Supplementary aids and services must be provided when required to enable individuals with disabilities to progress towards their goals, be involved in and progress in general education, participate in extracurricular and nonacademic activities, and be educated to the maximum extent appropriate with non-disabled children. Supplementary aids and services include assistive technology devices, interventions, accommodations, program modifications, and supports to school personnel. The IEP must include frequency, location, and duration of each.

1. In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
2. In the case of a student with limited-English proficiency, consider the language needs of the student as those needs relate to the student's individualized education program.
3. In the case of a student who is blind or visually impaired, provide for instruction in braille, and the use of braille, unless the individualized education program team determines, after an assessment of the student's reading and writing skills, needs, and appropriate reading and writing media, including an assessment of the student's future needs for instruction in braille or the other use of braille is not appropriate for the student.
4. Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.
5. Consider whether the student requires assistive technology and services.

Examples include:

1. Supports to address environmental needs (e.g., preferential seating, planned seating on the bus, altered physical room arrangement)
2. Levels of staff support needed (e.g., consultation, one-on-one assistance, instructional support assistant)
3. Planning time for collaboration needed by staff
4. Specialized equipment needs
5. Pacing of instruction needed (e.g., breaks, more time)
6. Presentation of subject matter needed (e.g., audio-recording of lectures, sign language)

7. Materials needed (e.g., scanned tests, large print)
8. Assignment accommodations needed (e.g., shorter, instructions broken into steps)
9. Self-management and/or follow-through needed (e.g., visual supports, study skill instruction)
10. Testing adaptations (e.g., instructions read orally, modify format)
11. Social interaction supports needed (e.g., cooperative learning groups, social skill instruction)
12. Training for personnel

Introduced in Individuals with Disabilities Education Improvement Act (IDEIA) in 2004 was the added element of “extracurricular and nonacademic” elements, which enlarges the scope of where supplementary aids and services must be provided, appropriate to a student’s needs.

Peer-Reviewed Research and Evidence-Based Practice

In IDEIA 2004, the requirement that special education services be based on “peer-reviewed research” to the extent practicable was established. Requiring special education programs to be based on peer-reviewed research places an emphasis on using instructional procedures, interventions, and curricula that have been demonstrated to be effective by “scientifically-based research.” Scientifically-based research describes the methods used to test instructional practices, and the general guidelines include:

1. Systematic cause-and-effect researched design using observable, measurable outcomes;
2. Replication by other scientists or researchers; and
3. Peer-review before publication.

What this means for the teachers and related service providers in the Placer County SELPA is:

1. Teachers and related service providers should use academic and behavioral interventions that have support in the research literature.
2. Teachers and related service providers should understand and be able to describe the research behind the interventions that are used within their programs.
3. Teachers and related service providers are expected to keep abreast of the research base in academic and behavioral interventions and/or in their areas of clinical expertise for students with disabilities.
4. Teachers and related service providers are expected to keep records of the research base behind the interventions and procedures that are used within their student’s IEPs in order to be prepared for questions and challenges on the use of evidence supported educational practices.
5. Teacher and related service providers are expected to maintain fidelity in utilizing any strategy, teaching procedure or curriculum. Fidelity refers to accuracy, exactness, or a strict adherence to details. When applied to

instruction, fidelity means adhering to the details of the practice or program that make it effective.

It is also important for teachers and related-service providers to integrate their knowledge of peer-reviewed research with clinical/educational expertise and relevant stakeholders, e.g., parent perspectives, which are the cornerstones of “Evidence Based Practice.”

To help assist teachers and service providers in accessing information about evidence-based practices, a number of different online databases that offer evaluations of the research evidence for various teaching programs and practices follows:

1. What Works Clearinghouse (US Department of Education Institute of Education Sciences) <http://ies.ed.gov>
2. Best Evidence Encyclopedia (Johns Hopkins University School of Education) <http://www.bestevidence.org/>
3. ERIC-The Education Resources Information Center (Institute of Education Sciences, U.S. Department of Education) <http://www.eric.ed.gov/>
4. The IRIS Center for Training Enhancements <http://iris.peabody/Vanderbilt.edu>
5. Florida Center for Reading Research <http://www.fcrr.org>

Program Modifications and Instructional Accommodations

Program modifications are provided when any aspect of the content of the general education program must be altered for the student to benefit from instruction. At the secondary level, curriculum modification may not fulfill high school graduation and/or college entrance requirements. Examples may include:

1. Modified curriculum
2. Provision of parallel curriculum
3. Reduction in the amount of material that must be mastered.

Instructional accommodations alter how instruction is provided but do not alter the content of the curriculum. Examples include:

1. Extra time for completion of assignments
2. Reduced length of assignment
3. Provision of a study buddy
4. Provision of visual aids and modeling
5. Provision of written instructions, study guides, advance lesson outline, etc.

Supports for School Personnel

This term refers to the assistance that must be provided to school personnel in order to ensure that the student’s IEP is implemented appropriately. Examples may include:

1. Consultation with specialists
2. Coaching from specialists

3. Training in appropriate instructional techniques for the student's disability
4. Provision of information necessary to understand the student's disability
5. Provision of ability awareness activities
6. Provision of resource materials specific to meeting the instructional needs of the student.

Progress Reporting

The IEP should describe the manner in which progress of the student toward meeting the annual goals will be measured and when periodic reports on the student's progress will be provided (such as through quarterly or other periodic reports) and that this be concurrent with the issuance of report cards. This is also an opportunity to review the IEP and make adjustments if warranted by student progress. When a student does not make the progress expected, then the IEP team should consider revising the IEP, as appropriate, to address any lack of expected progress toward the annual goals. If goals require adjustment, the IEP team must reconvene to discuss progress, or lack of progress, and amend the IEP.

Setting

See ***Offer of FAPE – Educational Setting***

The IEP must also contain an explanation of the extent, if any, to which a student will not participate with non-disabled students in the general education class and extracurricular and nonacademic activities. This is reported as a percentage of the number of minutes of the school day. If the student's IEP places them outside of the general education classroom, involvement in the general education curriculum, and/or participation in extracurricular or nonacademic activities, the IEP must explain why. Special classes, separate schooling, or other removal of a student with disabilities from the regular education environment should occur only if 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.

Participation in State or LEA-wide Assessment

It shall be the policy of the Placer County SELPA that students with disabilities are included in general state and district-wide assessment programs with appropriate accommodations, where necessary (20 U.S.C. § 1412(a)(16)). For those children with disabilities who cannot participate, alternate assessment will be conducted in accordance with state guidelines. Each member LEA will be responsible for the inclusion of the students they serve in the state-wide assessment program, which extends to the preschool program. All needed accommodation and modifications will be documented through the Individualized

Education Program (IEP) process and in line with the testing guidelines set forth by the State.

Students with IEPs must be included in the state wide and district-wide assessment programs. Parents of **all** students have the right to exempt their child from participating in statewide assessments. The IEP team, however, must develop the IEP with the expectation that the student will participate in the assessment since the parent exemption is not part of the IEP process. The IEP must specify the assessments that are appropriate for the student and any needed accommodations and modifications even if the parent has completed a request for exemption. If the parent of a student receiving special education and related services does complete a request for exemption, however, the assessments identified in the IEP may not be administered. There are several statewide assessment programs for which this requirement applies. IEP teams decide, on an individual basis, which tests or test versions each student will be administered.

Certain universal tools, designated supports, and accommodations are allowed for state and district-wide standardized assessments. If a student is to be tested using universal tools, designated supports, and/or accommodations it must be stated in the IEP. A copy of the *California Assessment Accessibility Resources Matrix*, the Smarter Balanced Consortium: *Usability, Accessibility and Accommodations Guidelines*, and the *California Code of Regulations* can be obtained on the California Department of Education website or by contacting the site testing coordinator. These documents identify the specific universal tools, designated supports, and accommodations that are allowed for each test. Accommodations and designated supports can only be used for statewide testing if those same accommodations and designated supports have been identified in the IEP as required by the student as a regular part of his or her instruction.

See the section in this chapter on “Supplementary Aids and Services” for more information about instructional accommodations and modifications.

SELPA approved IEP forms include a section for addressing statewide testing requirements. The descriptions provided below are intended to assist IEP teams through the process of determining how each student with a disability will participate in statewide testing.

California Assessment of Student Performance and Progress (CAASPP)

On January 1, 2014, California Education Code Section 60640 established the CAASPP System of assessments. The California Assessment of Student Performance and Progress (CAASPP) System consists of the following assessments: Smarter Balanced English language arts (ELA), mathematics; California Alternate Assessments for English language arts, mathematics, and science; and California Science Test.

The CAASPP website is a source for information on test administration systems, training resources and materials, the latest CAASPP news, and important dates regarding administering the CAASPP tests.

Smarter Balanced Assessment Consortium (SBAC)

The Smarter Balanced Summative Assessments, which are delivered by computer, consists of two sections: a computer-adaptive test and Performance Tasks. The computer-adaptive section includes a range of item types such as selected response, which prompt students to choose one or more answers; constructed response, which prompts students to write a short written or numerical response; technology-enhanced items, which might prompt students to edit text or draw an object; and performance tasks, in which students engage in a complex set of tasks to demonstrate their understanding. The Performance Tasks are extended activities that measure a student's ability to integrate knowledge and skills across many areas and standards – a key component of college and career readiness. The Smarter Balanced Assessments are based on the Common Core State Standards (CCSS) for English language arts (ELA) and Mathematics.

All students in grades three through eight and grade eleven are required to participate unless the student participates in the alternate assessments. If an English Learner is in the first twelve months of attending a school in the United States, he or she may be exempted from the English language arts portion of the Smarter Balanced Summative Assessment.

California Science Test (CAST)

The California Science Test, which is delivered by computer, consists of computer adaptive test items and performance tasks based on the Next Generation Science Standards (NGSS). The California Science Test will be administered to all eligible students in grades five, eight, and twelve, and students in grades ten and/or eleven who are enrolled in their last high school science course.

California Alternative Assessments

The California Alternative Assessments are for students with the most significant cognitive disabilities and whose individualized education program (IEP) team has designated the use of an alternate assessment on statewide summative assessments. Individualized education program (IEP) teams “shall determine when a child with a significant cognitive disability shall participate in an alternate assessment aligned with the alternate academic achievement standards.”

The California Department of Education recommends IEP teams base their determination using the following criteria:

1. The student has a significant cognitive disability.
2. The student is learning content based on the Common Core State Standards.
3. The student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the curriculum.

All students who are eligible to take the CAA and CAAS are required to participate (E.C. § 56385).

California Alternative Assessment (CAA) and California Alternative Assessment for Science (CAAS)

The California Alternative Assessment (CAA) is administered to eligible students in grades three through grade eight and grade eleven in the areas of English language arts and mathematics. The CAA for ELA and mathematics is delivered one-on-one by a trained CAA test examiner familiar with the student and his or her needs. The CAAs for ELA and mathematics will consist of computer adaptive test items and performance tasks. The CAAs for ELA and mathematics are aligned with alternative achievement standards, called the Core Content Connectors, and linked to the Common Core State Standards.

The California Alternative Assessment for Science (CAAS) is administered to eligible students in grades five, eight, and twelve, and students in grades ten and/or eleven who are enrolled in their last high school science course. The California Alternative Assessment for Science will be administered one-on-one by a trained CAAS test examiner familiar with the student and his or her needs. The CAAS consists of computer adaptive test items and three embedded performance tasks. The CAAS is aligned with alternative achievement standards, called the Core Content Connectors, and are linked to the Next Generation Science Standards (NGSS).

English Language Proficiency Assessments for California (ELPAC) and Alternative Assessment for Language Proficiency

State and federal law require that local educational agencies administer a state test of English language proficiency (ELP) to eligible students in kindergarten through grade twelve (ages 3-21). The ELPAC is aligned with the 2012 California English Language Development Standards and have three proficiency levels (emerging, expanding, and bridging). The ELPAC is comprised of two separate ELP assessments: one for the initial identification of students as English learners (ELs), and a second for the annual summative assessment to measure a student's progress in learning English and to identify the student's level of ELP. The assessment will gather student English language proficiency in the domains

of listening, speaking, reading, and writing. The writing domain consists of all constructed responses. The ELPAC is administered through paper-pencil format across seven grade spans: Kindergarten, one, two, three through five, six through eight, nine through ten, and eleven through twelve. One-to-one administration is required in all domains for students in kindergarten and grade one and in speaking domain for all students.

When registering for school, the parent/guardian or adult student identifies the home language in the “Language Survey” section of the student enrollment application. If any of the three questions are answered with a language other than English, the ELPAC test must be administered. The purpose of ELPAC is to identify students who are English learners in kindergarten through grade 12, to monitor their progress in learning English, and to document their English proficiency. Students with disabilities whose home language is not English must either take this test or an alternative language proficiency test. If an IEP team determines that an alternative assessment will be used, the IEP must document that decision, identify the alternative assessment, and the reason that an alternative test is required.

Certain universal tools, designated supports, and accommodations are allowed for the ELPAC assessment. If a student is to be tested using universal tools, designated supports, and/or accommodations it must be stated in the IEP. A copy of the *California Assessment Accessibility Resources Matrix* can be obtained on the California Department of Education website or by contacting the site testing coordinator. This document identifies the specific universal tools, designated supports, and accommodations that are allowed for each test. Designated supports can only be used for statewide testing if those same accommodations and designated supports have been identified in the IEP as required by the student as a regular part of his or her instruction.

Language Proficiency Alternative Assessments

IEP teams may determine that a student is unable to participate in one or more domains of the ELPAC, even with accommodations, due to short- or long-term disabilities. These students may be tested with the alternate assessment per the student’s IEP. The braille version of the ELPAC is not an alternate assessment. Students who take the alternate assessment will receive the Lowest Obtainable Scale Score (LOSS) for each domain marked as an alternate assessment. If the student takes the alternate assessment for all domains, the Overall Scale Score will also be the LOSS. Additional information is available in the ELPAC Information Guide on the ELPAC Resources section of the CDE ELPAC Website at <https://www.cde.ca.gov/ta/tg/ep>.

Alternate ELPAC

The Alternate ELPAC assessment is the required state test of ELP that must be given to students whose primary language is a language other than English and who have been found eligible for alternate assessments by their IEP team. State and federal laws require that local educational agencies (LEAs) administer a state test of ELP to eligible students in kindergarten through grade twelve. The Alternate ELPAC is aligned with the 2012 ELD Standards via the ELD Connectors. The test design includes one assessment for two purposes: (1) the initial identification of students as English learners (ELs) or initial fluent English proficient (IFEP); and (2) an annual assessment to measure a student's progress in acquiring ELP and eligibility for reclassification. As with the CAAs, eligibility for the Alternate ELPAC is determined by the student's IEP team.

ELPAC regulations require LEAs to administer the Alternate Initial ELPAC to all eligible students in kindergarten through twelve, ages three through twenty-one, whose primary language is a language other than English, to determine whether they are ELs, within 30 calendar days after they are first enrolled in a California public school or 60 calendar days prior to instruction, but not before July 1. If a student does not have an IEP in place by 30 days, the student will be administered the Initial ELPAC with appropriate Universal Tools and Designated Supports. If the student is then classified as EL, and later determined eligible for an Alternate Assessment, and it is listed in the student's IEP, the student may be administered the Alternate Summative ELPAC.

LEAs are required to administer the Summative ELPAC annually to students identified as ELs until they are reclassified English language proficient (RFEP). The Alternate Summative ELPAC is administered to students in kindergarten through grade twelve, ages three through twenty-one, who have been identified as ELs.

California Spanish Assessment (CSA)

The California Spanish Assessment (CSA) is a part of the CAASPP system. Students may take the CSA in addition to, not in place of, Smarter Balanced English Language Arts/Literacy (ELA) assessments. The CSA is an optional online assessment that may be administered to students in grades three through eight and high school who are receiving instruction in Spanish in California; and seeking a measure that recognizes their Spanish-specific reading, writing mechanics, and listening skills. The computer-based assessment is administered in Spanish and is used to measure a student's competency in Spanish language areas and provide student-level data in Spanish competency. The CSA is aligned with the Common Core State Standards for English Language Arts en Español and assesses students in the areas of reading, writing, and listening. The assessment includes technology-enabled items and machine-scored writing mechanics.

Physical Fitness Testing (PFT)

Public school students in grades five, seven, and nine are required to take the Physical Fitness Test annually during the months of February through May, whether or not they are enrolled in a physical education class or participate in a block schedule (E.C. § 60800). These students include those enrolled in local agencies (LEAs) such as elementary, high, and unified school districts, county offices of education, and charter schools. LEAs must also test all students in alternate programs, including, but not limited to, continuation schools, independent study, community day schools, county community schools, and nonpublic schools. Students who are physically unable to take the entire test battery are to be given as much of the test as his or her condition will permit. The assessment is composed of six fitness areas: aerobic capacity, abdominal strength and endurance, upper body strength and endurance, body composition, trunk extensor strength and flexibility.

Certain variation, designated supports, accommodation, and modifications are allowed for the PFT assessment. If a student is to be tested using variations, designated supports, accommodations, and/or modifications it must be stated in the IEP. A copy of the *California Assessment Accessibility Resources Matrix*, and the *California Code of Regulations* can be obtained on the California Department of Education website or by contacting the site testing coordinator. These resources identify the specific variations, designated supports, accommodations, and modifications that are allowed for this test. Variations, designated supports, accommodations, and modifications can only be used for statewide testing if those same accommodations and designated supports have been identified in the IEP as required by the student as a regular part of his or her instruction.

Desired Results Developmental Profile (DRDP)

The Desired Results Developmental Profile (DRDP) assessment instrument is designed for teachers to observe, document, and reflect on the learning, development, and progress of children, birth through 12 years of age, who are enrolled in early care and education programs, before-and after-school programs, and transitional kindergarten with an IEP. The assessment results are intended to be used by the teacher to plan curriculum for individual children and groups of children and to guide continuous program improvement.

The DRDP (2015) is made up of eight domains (approaches to learning-self regulation, social and emotional development, language and literacy development, English language development, cognition: science, physical development-health, history and social science, and visual and performing arts). The focus of each domain is on the acquisition of knowledge, skills, or behaviors that reflect each domain's developmental constructs. It aligns with the CDE's Early Learning and Development Foundations.

Extended School Year

Extended School Year (ESY) services shall be provided, in accordance with 34 C.F.R. section 300.106, for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Please see Chapter 11 Placement and Services for more information.

Emergency Conditions Provisions

If instruction, services, or both, cannot be provided to the student, either at school or in person for more than 10 school days due to one or more emergency conditions as defined by EDC §46392(a) and EDC §41422(a), student's IEP services will be provided to the extent practicable, taking into consideration the student's unique circumstances, the specific emergency circumstance(s), district policy, and federal, state and local orders. The IEP team should discuss the means of delivery of Special Education and related services, supplementary aides and services, transition to adult life services, and extended school year during an Emergency Condition, as applicable to the student.

IEP Notes

Placer County SELPA IEP forms are intended to provide for all required elements and, in most cases, detailed IEP notes are not necessary and are not required by IDEA or California Education Code. IEP notes are helpful, though, in certain circumstances. When used to document any part of the proposed or refused offer that is not included in any other part of the IEP, the notes provide evidence that the LEA provided prior written notice and was compliant in developing the IEP. Too much information recorded in the notes, however, can complicate and compromise the intent of the IEP team. The IEP notes should summarize the elements of the team discussion and agreements rather than provide a detailed written transcript of every conversation that is held as part of the meeting. In addition, the notes can be used to document the portions of the IEP meeting that were covered if the IEP team meeting is concluded prior to the completion of the IEP documents. IEP meeting notes are not required in IDEIA or in California Education Code.

It is recommended that the following circumstances be documented in the IEP notes:

1. Agreement on the part of all IEP team members, including the parent, to excuse one or more team members who were expected to be in attendance and, therefore, were not previously excused through the use of the IEP Team Member Excusal form (see Chapter 7 for more information about excusals).

2. Attempts to convince a parent that they should attend the IEP team meeting when a meeting is being held without parent participation because the parent could not be convinced to participate (a good practice is to try one more time to reach the parent by phone during the meeting so that the parent can participate by teleconference).
3. Efforts to persuade the student's parents to stay when they decide to leave the meeting (note time) and that the IEP team decided to continue with the meeting.
4. Which eligibility categories were considered and why the student was or was not found eligible in each category.
5. That the IEP team reviewed and discussed all assessment reports.
6. That the IEP team considered independent educational evaluation reports and whether team members agreed with the reports (team must consider but is not obligated to implement recommendations).
7. Any element of the student's progress and/or the offered goals, placement and services that is too complex to fully document on other IEP pages.
8. Input and participation provided on the part of the parent or representatives of general education.
9. Lack of participation on the part of the parent despite all attempts to solicit input especially when the non-participation is due to direction from the parents' advocate or attorney.
10. Documents that are being attached to the IEP by parent request.
11. Any placement or service that is being offered for a limited time only and is not intended to be part of any future "stay put" requirements.
12. A summary of any "changes" to the prior year's IEP proposed or made during the course of developing the IEP, with the essential elements of prior written notice included.

Listed below are examples of items that should NOT be in the IEP, including the notes:

1. A particular methodology (unless the team believes the methodology is necessary in order for the student to receive FAPE).
2. Qualifications of providers unless necessary to demonstrate that the IEP meets the unique needs of the student (in this case, providing the information via a separate letter is usually recommended).
3. Repetition of information that is included in another portion of the IEP unless further detail is needed to fully explain the offer or agreement.

It is best practice for the LEA to select an IEP team member as the note taker for any IEP notes. The note taker should be an employee and should not be the team facilitator, the parent, or other LEA's attorney. The notes should be written in a factual and neutral tone avoiding use of inflammatory or accusatory language that may aggravate what may already be a contentious situation. Always proofread IEP notes prior to distributing copies of the IEP to be certain that they are accurate and are consistent with other portions of the IEP. The

notes reflect information that supports and clarifies the LEA's offer of a FAPE and should be reviewed with the parent prior to requesting their consent.

Consent for Implementation of the IEP

Informed parental consent is required prior to initiation of initial special education services. If a parent refuses to provide such consent, the LEA shall not be considered to be in violation of the requirement to provide FAPE and shall not request due process to override the lack of consent (OSEP letter to Fulfrost, 2004).

On an annual basis, after the LEA has provided a clear offer of a free and appropriate public education (FAPE), parents may provide consent to all, or portions of, the offer of FAPE. If the parent(s)/guardian disagree with what the LEA considers to be an essential component of the offer that provides FAPE, then the LEA will need to make a determination of how to proceed with resolving that dispute.

If, after an IEP meeting, the parent(s)/guardian take the IEP document home to review before signing, and do not return it with signature(s), it is recommended that the case manager make at least three attempts to obtain parental consent using phone calls, letters, home visits, and/or in person meeting at the school site. The case manager should document all attempts to obtain a signature in phone call logs, letters, conferences and conversation and maintain a copy of all responses from the parent(s)/guardian. The IEP team will continue to implement the last agreed upon and implemented IEP. Again, the LEA administrator will need to determine how to proceed with resolving that dispute.

Stay-Put

"Stay-put" refers to the educational placement the child should attend when a disagreement arises between the parents and the LEA. The words "stay-put" are actually not in the IDEA or the regulations, but this is how practitioners, Hearing Officers and Courts refer to 20 U.S.C. 1415 (j), which states as follows:

Maintenance of Current Educational Placement: "Except as provided in subsection (k)(4) (*which refers to discipline and misconduct*), during the pendency of any proceedings conducted pursuant to this section, unless the State or LEA and the parents otherwise agree, the child shall remain in the then-current educational placement of the child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed."

Basically, "stay-put" means that, in the event that a parent disputes the appropriateness of the special education program recommended for their child by

the LEA, if they initiate a procedure outlined in the procedural safeguards (e.g., Mediation, a Due Process Complaint, and appeals to state or federal court), the student is mandated to remain in the last agreed upon and implemented placement.

Amending the IEP

In making changes to a student's Individual Education Plan (IEP) after the annual IEP meeting for a school year, the parent of the child with a disability and the Local Education Agency (LEA) may agree not to convene an IEP meeting for the purposes of making such changes, and instead develop a written document to amend or modify the student's current IEP. It is recommended that the parent(s)/guardian be provided with a revised copy of the entire IEP document with the amendment incorporated once an amendment has been signed by the LEA representative and the parent(s)/guardian.

Amendments are intended for minor changes to the IEP (such as the addition or revision of a goal, changes in demographic information, addition of an accommodation, or clarification of IEP services). In addition, best practice is for an IEP only to be amended after the annual IEP team meeting for a current school year. It would not be advisable to amend a prior year IEP or an IEP previously drafted by a different IEP team. If the parent consents to the change(s), the LEA representative completes the IEP amendment. In addition to noting the purpose of the meeting and a brief narrative regarding the charges being proposed, the case manager may include any other IEP form(s) requiring revision (e.g., goal page, service page). Once these are completed, and the parent(s)/guardian signs consent, the case manager must finalize the amendment. IEP amendments require authorization by the LEA representative. LEA approval needs to be obtained prior to offering the amendment to parent for consent.

All affected staff (e.g., special education teacher(s), related service provider(s), general education teacher(s), etc.), must be informed/provided with a copy of the amendment, immediately following consent to the changes.

Exiting a Student from Special Education (Not due to aging out, revocation, or earning a diploma)

The decision to exit a student from special education must follow a review of recent, comprehensive assessment information and discussion by the IEP team. If the IEP team determines that the student no longer is eligible or no longer requires special education supports and services, the IEP team must document that information and obtain parental consent to exit the student. If the parent(s)/guardian does not agree with the recommendation of the IEP team, the

parent(s)/guardian may proceed with their due process rights to resolve this dispute.

See Chapter 4 for a discussion of parent(s)/guardian's rights to revoke consent for special education.

(20 U.S.C. § 1412(a)(16)

(E.C. § 56385)

(E.C. § 60800)

EDC §46392(a)

EDC §41422(a)

OSEP letter to Fulfrost, 2004 (20 U.S.C. 1415 (j))

Chapter 9 – Developing the IEP Special Factors

Special Factors

The Individuals with Disabilities Education Act (IDEA) lists five special factors that the IEP team must consider in the development, review, and revision of each child's IEP. Specifically, the IEP team must determine if any of these factors are relevant for the child and, if so, address those needs specifically:

1. Consider whether the student needs assistive technology devices and/or services;
2. Address the needs of student with low incidence disabilities; if that student is blind or visually impaired, consider and address the need for instruction and/or use of braille;
3. Address the needs of student with low incidence disabilities; if that student is deaf or hard hearing, consider the student's language and communication needs;
4. In the case of a child identified as an English Learner (EL), consider the language needs of the child as those needs relate to the child's IEP;
5. In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

Assistive Technology

LEAs are required under law to provide appropriate assistive technology (AT) to students with disabilities when it supports their acquisition of a free appropriate public education (FAPE). All Individualized Education Programs (IEPs) must indicate that AT has been **considered** "to provide meaningful access to the general education." AT is any tool or device that a student with a disability uses to do a task that he or she could not otherwise do without it, or any tool the student uses to do a task more easily, faster, or more efficiently.

LEAs shall ensure that assistive technology devices or assistive technology services, or both, are made available to a child with a disability if required as part of the child's:

1. special education program
2. related services, or
3. supplementary aid and services.

Definition of Assistive Technology

The term "assistive technology" encompasses a vast array of devices and services that may assist persons with disabilities to participate more fully and successfully in their education. The Individuals with Disabilities Education Act defines AT devices as "any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device".

The term "assistive technology" includes a continuum of devices and services that may assist persons with disabilities to participate more fully and successfully in their education. Assistive technology tools are often referred to as ranging from "no technology", to "low technology or light technology", to "mid technology", to "high technology". Materials like pencil grips, slant boards, print or picture schedules can be considered "no technology" solutions. "Low (or light) technology" solutions might include talking calculators, a single message voice output switch, or a screen magnifier. "Mid-to-high technology" solutions would include items like dedicated augmentative communication devices, and braille keyboard and notetaking systems.

Assistive Technology encompasses equipment, instructional strategies, training, and technical assistance that support students in performing various educational tasks including: spoken and written communication, computer access, reading, mobility, learning, studying, listening, seeing, and working. These needs arise from sensory, motor, cognitive, language or social impairments.

Assistive Technology service is any service that directly assists an individual with a disability in the selection, acquisition or use of an assistive technology device, such as:

1. Evaluation of the technology needs of the individual, including a functional evaluation in the individual's environment.
2. Purchasing, leasing or otherwise providing for the acquisition of assistive technology for individuals with disabilities.

3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing of assistive technology.
4. Coordinating and using other therapies, interventions or services with assistive technologies or devices, such as those associated with existing education and rehabilitation plans and programs (O.T., P.T., Speech).
5. Assistive technology training or technical assistance with assistive technology for an individual with a disability, or where appropriate, the family of an individual with disabilities.
6. Training or technical assistance for professionals, educators, employers or other individuals who provide services for or otherwise are substantially involved in the major life functions of individuals with disabilities. Assistive technology services may range from short-term instruction which teaches a student to use a tape recorder for dictation to the long term and intensive instruction necessary for many augmentative communication interventions.

Planning and Implementing Assistive Technology in the School Environment – Best Practices

Assistive technology is designed to be integrated into natural settings in which modifications and accommodations are necessary for the student to participate in his/her education. Preliminary consideration of what is needed might include restructuring home, school or work environments and tasks to facilitate more successful participation by the student. Sometimes, restructuring may be all that is needed to enhance participation and additional technology may not be necessary.

The provision of assistive technology tools alone does not equate to implementation. Effective implementation requires intentional planning and coordination by the IEP team and implementation strategies should be documented as part of the student's IEP.

When technology applications are introduced, their effective use may require substantial modifications of the environment. Many assistive technology tools require a significant commitment of time and effort on the part of teachers, parents, therapists, and others in order for assistive technology devices to be successfully learned and effectively used by the student with a disability.

A critical piece of implementing assistive technology solutions is to consider the outcomes. Not only is it important for the team to determine at the onset of the process, "what is it we want the child to be able to do within the educational program that he/she isn't able to do because of his/her disability?", but to

consider whether the attempted solutions are the most effective and efficient means of realizing the identified outcome.

AT Consideration

IEP teams must consider a student's need for assistive technology as part of the determination of services necessary for a FAPE at the initial and at each annual IEP. AT devices and services must be considered for all students with disabilities, regardless of the type or severity of the disability. Consideration is a thoughtful process, following the development of annual goals and benchmarks. Focusing the discussion on what AT, if any, might assist or allow the student to remove barriers, accomplish goals, access curricular and extracurricular activities, and progress in the general education curriculum is important.

Teams can reach a number of conclusions:

1. Current interventions are working and nothing new is needed, including AT (progress is commensurate with abilities, student has the same access as peers, and is making process in the general education curriculum);
2. AT is already being trialed, and is working. For example, the teacher has introduced adapted paper for handwriting and it has increased the student's legibility. The team can adopt it into the IEP to ensure that it continues to be available;
3. New AT should be trialed, and the team has a good idea of what would be appropriate to explore. The IEP team will describe the features needed and agree to an exploration.
4. The IEP team does not know enough to make a recommendation or decision. Additional support from an individual with additional expertise in assistive technology is recommended.

LEAs are encouraged to use a systemic, step-by-step approach that can be implemented across site-based teams to ensure full consideration of students' needs through the AT consideration process. IEP teams may document the consideration process on the "Quickguide for the Assistive Technology Consideration Process" Appendix A. Trainings may be provided within the Placer County SELPA to assist staff in developing the knowledge and skills needed to participate fully in the AT Consideration process.

Best Practices in AT Assessment

If the AT consideration process has is completed, and the IEP team determines the need for further assessment in assistive technology, the IEP team may expand to include an individual with additional training or expertise in assistive technology who conducts an assistive technology "assessment". It is important to

distinguish that evaluation is a group of activities conducted to determine a student's eligibility for special education. Assessment is a group of activities conducted to determine a student's specific needs. Assessment is a more accurate and descriptive term for what must occur, as there are no eligibility criteria for AT. AT is utilized to reduce barriers to participating in FAPE/education and arises from previously determined eligibility factors.

The following are important distinctions of the AT assessment process:

1. AT Assessment is an ongoing, continual, process essential to educational planning and includes trials in multiple settings and contexts with data.
2. Assessment is best conducted in conjunction with the site team in the natural setting, including anyone who has the potential to contribute to the decision making or implementation, versus center-based or conducted by outside experts without team involvement;
3. AT assessment is not a standardized tool or test; it's a practical process that guides teams in determining:
 - a. What tasks the student needs to do to access learning that he/she is currently not able to do at a level that reflects his/her abilities;
 - b. What are the barriers were identified by the IEP team that makes it difficult for the student without additional specialized supports, strategies or tools?
 - c. Answer the questions: What tools/strategies/services have been tried? Did it/they work or not? What are the next levels of support in the AT Continuum?

Assistive Technology for Communication – Augmentative and Alternative Communication

Augmentative and Alternative Communication (AAC) is an area of clinical practice that addresses the needs of individuals with significant and complex communication disorders characterized by impairments in speech-language production and comprehension, including spoken and written modes of communication. Augmentative and Alternative Communication (AAC) describes multiple ways to communicate that can supplement or compensate (either temporarily or permanently) for impairments in speech-language production and/or comprehension, including spoken and written modes of communication. AAC is augmentative when used to supplement existing speech, and alternative when used in place of speech that is absent or not functional. AAC uses a variety of techniques and tools, including picture communication boards, line drawings, speech-generating devices (SGDs), tangible objects, manual signs, gestures, and finger spelling, to help the individual express thoughts, wants and needs, feelings, and ideas.

Best Practices in AAC Assessment

Once the IEP team determines the need for additional assessment in AAC, the IEP team may expand to include a Speech-Language Pathologist with additional training or expertise in AAC. It is important to distinguish that evaluation is a group of activities conducted to determine a student's eligibility for special education. Assessment is a group of activities conducted to determine a student's specific needs. Assessment is a more accurate and descriptive term for what must occur, as there are no eligibility criteria for AAC.

The AAC Needs Assessment takes place anytime that it appears that a student's verbal communication alone is not meeting that student's needs and no aided communication supports are in place.

The following are characteristics to review when considering whether a student might benefit from with an AAC assessment:

- the student has limited verbal speech
- even with verbal speech, others have a hard time understanding the student
- the student is struggling to participate in interactions and/or activities or has a hard time communicating what they know or understand
- the student may be missing opportunities for social engagement and to build relationships with peers
- the student understands more than they can express, which may be evident on receptive and expressive language testing
-

The following are important characteristics of an AAC assessment:

- The assessor(s) identify the needs and strengths of the student by completing a thorough consideration of their current communication needs and challenges.
- The consideration process allows the team to clarify goals and needs to explore in the implementation of AAC interventions.
- The team collaboratively collects data and information about the skills of the student as they relate to selecting appropriate features in any aided tools.
- The exploration and implementation process supports an evidence-based feature-matching* process that ensures an appropriate educational match between the student and tools.

The IEP team will meet to review data and outcomes of trials with tools that were identified through feature matching to make recommendations to the IEP team.

*AAC feature matching refers to the process of determining what features are needed by an AAC user and then selecting tools that contain those critical features for trials. The first part of feature matching is to do a capability

assessment. In a capability assessment, the communicator's level of performance and required accommodations in the areas critical to AAC intervention are identified. The feature areas include motor-access, sensory-perceptual, cognitive-linguistic, and social-strategic skills. The resulting profile from the capability assessment can then be matched to operational, linguistic, and cognitive requirements of AAC options, or system features. Features such as access, symbols, vocabulary, organization, flexibility, output, durability and portability should all be considered. This process of feature matching, based on the communicator's profile, allows the choices to be narrowed down that are likely to be the most effective and efficient for students.

Resources for Assistive Technology Assessment/Trial/Training

The PCOE Assistive Technology Program manages an extensive resource library, including books/print resources, assessment tools, and low technology, mid technology and high technology assistive technology tools used within the assessment process as well as for trial and exploration before the IEP team adopts a solution and procures funding for equipment. The resources are obtained through a variety of funding sources, including low incidence funding (equipment currently unassigned to another student with a low incidence disability), Medi-Cal funds, donations, on loan from vendors, etc. These resources are utilized to support the activities of the LEA program staff (assessment, trial, training, consultation) for students being served in either PCOE programs or in LEA programs.

Home Use

It is the IEP team that determines whether home use of a particular piece of AT is necessary to support the provision of a FAPE for a particular student. In the event that the team makes this recommendation, a ***Home Use Agreement*** should be executed with the parent(s)/guardian(s). This document should be maintained by the case manager or program manager.

SB 605 requires local educational agencies ("LEAs") to increase the access of students with exceptional needs to assistive technology ("AT") by (1) continuing to provide AT devices for a period of time after the student disenrolls from the LEA, and (2) providing AT devices for use outside of school when the student's individualized education

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program ("IEP") team determines that this is a necessary component of the student's free, appropriate public education ("FAPE").

- AT devices may be used at home and in other settings, if determined by the IEP team.

- Only the student whose IEP provides for the AT device, and not other family members, may use it.
- Upon disenrollment, a student may continue to access the AT device, or a comparable device when the student enrolls in another LEA.
- For a student who disenrolls and takes the AT device to another LEA, the device must be returned to the original LEA by a date certain.
- Parents are responsible for the cost of any damage to the AT device in the home, in other settings, and if the student enrolls in another LEA.

SB 605, codified at Education Code section 56040.3, requires an LEA from which a student has disenrolled to ensure that the student has continued access to the AT devices set forth in the student's IEP until alternative arrangements can be made, or for two months after disenrollment, whichever occurs first.

Funding of Assistive Technology

Once a device is determined to be necessary for a student to benefit from their special education program and included in the IEP, the LEA has a responsibility to ensure that the AT is provided. The LEA may pay for the AT device, or it may access other funding sources such as Low Incidence (see Chapter 22 “Low Incidence Purchasing”), private health insurance, Medicaid (or in the State of California, Medi-Cal), or Vocational Rehabilitation. The Office of Special Education Programs has provided guidance, stating that they “envision state and local education agencies will utilize a variety of sources of funds to ensure that students with disabilities are provided with FAPE”.

When seeking funding, there are some important policy issues to keep in mind. If the IEP team determines that assistive technology should be provided, the LEA cannot require the student's parents to be responsible for locating funding sources. The LEA can request the involvement of the parents in the funding search, but it is the responsibility of the district to find funding for the device. The California State Board of Education has adopted California Code of Regulations, Title 5, 3051.12(b)(3)(C), which states in part that “the school district shall not be required to purchase medical equipment for an individual student”. Based on this regulation, the California Department of Education has a long-standing practice to encourage the purchase of prescription devices and medical equipment through other funding sources, such as private medical insurance or Medi-Cal.

Low Incidence Disabilities

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 (hearing impaired, deaf), vision impairments, and severe orthopedic impairments, or any combination thereof (e.g., deaf-blind).

For definitions of eligibility under each these LI categories, see Chapter 6 “Assessment and Eligibility”. The assessment of a student with a suspected LI disability **MUST** be conducted by persons knowledgeable of that disability. Special attention should be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment. See Chapter 11 “Placement and Services” for more specific information on how to refer a student to a Placer County LEA for assessment, consultation and services by LI specialist serving deaf-hard of hearing, visually impaired, or orthopedically impaired students.

For information on how to access the “Low Incidence Grant” for funding of specialized equipment and materials for students with any qualifying low incidence disability, see Chapter 22 “Low Incidence Purchasing”.

Blind/Low Vision

To understand the needs of students with visual impairments, the following factors must be considered: age of onset of visual impairment, degree of impairment, site of impairments, prognosis for improvement or degeneration in condition, day-to-day stability of condition, individual tolerance for visual fatigue, and the extent and complexity of any co-existing additional impairments.

Students who are blind are particularly challenged in:

1. Understanding and moving about in physical space;
2. Obtaining, manipulating, and producing many types of information, such as text, graphics, facial expressions, and gestural cues.

Classroom instruction typically exploits the visual/motor channel of communication and incidental learning opportunities may be limited. Often gaps exist in concept development, making it difficult for classroom teachers to activate prior knowledge.

For students with suspected visual impairments, the appropriately credentialed teacher(s) should assess in all areas related to that suspected disability, including, where appropriate: health and development; vision, including low vision; hearing; motor abilities; language function; general ability; academic performance; self-help; orientation and mobility skills. A developmental history is obtained, when appropriate. For students with residual vision, a low vision assessment is recommended.

As part of the assessment process, a determination of the appropriate reading medium or media for the students should be considered. The IEP team determines the most appropriate medium or media, including braille, for each student with a visual impairment. Options to consider include but are not limited to sound recordings; large print; braille; other specialized technology, media or

materials purchased; instructional materials transcribed from regular print into special media; and special supplies and equipment.

The Placer County Local Education Agencies (LEA) provide services for students who are blind or have visual impairments including assessments, instruction, consultation and support. The goal is to support students in meeting the expectations of grade level curriculum in their general education classroom. The following services are provided: collaboration with parents, classroom teachers, other professionals and agencies; direct academic instruction; keyboarding and braille instruction; improvement of skills in daily living and other areas of development as they relate to academics; operation of specialized equipment such as braillewriters, magnifiers, monoculars, adaptive computer software and audio tapes; and orientation and mobility instruction in the community. Services are provided to eligible students using an inclusion model in the most appropriate and least restrictive setting.

Students may be referred, as appropriate to the California School for the Blind (CSB) in Fremont, California. CSB provides intensive, disability-specific educational services for enrolled students who are blind, visually impaired, deaf-blind, and visually impaired/multi-disabled, and whose primary learning needs are related to their visual impairment. CSB prepares students to participate at their highest level of independence in their schools, workplaces, and communities. In addition, CSB is a statewide resource offering expertise in the low prevalence disabilities of visual impairment and deaf-blindness including assessment, consultation and technical assistance, and professional development resources.

Hard of Hearing/Deaf

To understand the needs of students who are hearing impaired, teams must consider factors such as the age at onset of the disability (in particular, pre-linguistic versus post-linguistic hearing loss), audiometric testing status (particularly in the speech range with amplification), type of hearing loss (conductive, sensorineural, mixed, central), and the possible presence of concomitant disabilities. The needs of students who are deaf and students who are hard-of-hearing must be understood as quite distinct when considering communication use. For example, the native language of deaf children may be American Sign Language (ASL), but students who are hard-of-hearing may understand speech with amplification.

Students with hearing impairment characteristically confront significant issues with regard to social and intellectual development, speech and language development, and educational achievement. Difficulties in performance are more closely related to speaking, reading, and writing the English language, rather than to levels of intelligence.

For students with deafness, speech and language skills are the areas of development most severely affected. Students who are deaf exhibit significant articulation and voice quality difficulties and challenges with expressive language development (oral and written). Alternatives to spoken language may require exploration and development.

It is essential for the success of hard-of-hearing and deaf students that educational programs recognize the unique nature of each student's hearing loss and that age-appropriate and fully accessible educational opportunities are provided. The IEP team must address each student's unique communication mode, and this mode must be developed to an appropriate level of proficiency. Primary special education teachers must be proficient in the primary language mode of these students, and the educational team (e.g., general education teachers, psychologists, speech-language therapists, administrators, para-educators) should receive training/instruction regarding the unique nature of hearing loss and strategies for working with hard-of-hearing and deaf students.

In addition, the IEP team should consider the need for hard-of hearing and deaf students to have access to a sufficient number of language mode peers with whom they can communicate directly and who are of the same age, or approximately the same age and ability level. Exposure to hard-of-hearing and/or deaf role models may also be considered. A determination of the least restrictive environment (LRE) that takes into consideration these needs is particularly important for these students.

The Placer County Office of Education Regionalized Program provides a continuum of programs for students who are hearing impaired. Each student's unique communication mode is respected, utilized and developed to an appropriate level of proficiency with active parent(s)/guardian involvement. PCOE provides itinerant services to student's pre-school through high school who are being served in the local school district. In addition, PCOE operates a regional program for hard-of-hearing/deaf students.

Students may be referred, as appropriate to the California School of the Deaf (CSD) in Fremont, California. CSD provides comprehensive educational programs which create a strong foundation for future learning among graduates in an accessible learning environment that recognizes deaf students and adults as culturally and linguistically distinct. The school ensures that students receive a quality education with emphasis on full communication access through fluency in both American Sign Language and English to enable students to reach their maximum potential while preparing them to function effectively in a diverse technologically evolving world. In addition, CSD offers assessment services for deaf and hard-of-hearing students who are referred for further testing by their districts.

Deaf/Blind

The federal definition of deaf-blindness stresses its uniqueness as contrasted with deafness or blindness. When considering the needs of these students, age of onset, progression of sensory loss, and severity of sensory impairment must all be carefully examined. Classroom inclusion is particularly challenging for students who are deaf-blind. A combination of vision and hearing impairments limit use of auditory-vocal and visual-motor channels of communication. Lack of opportunity to navigate in the environment and communicate with others can result in isolation. For students without sufficient residual vision or hearing, a regular classroom may be a challenging learning environment. Substantial supports may be needed to support the social, communication and mobility needs of students who are deaf-blind, and these must be carefully planned and implemented for curricular access and participation to be successful. A variety of special day class programs are operated throughout the SELPA, which can be supported by specialists in both hearing and vision, to support the needs of these students.

California Deaf-Blind Services (CDBS) (<http://www.cadbs.org/>) is a valuable resource for IEP teams that are supporting students who exhibit both hearing and vision loss. CDBS offers training and technical assistance as well as urgent, on-site technical assistance for students experiencing a sudden and significant decrease in hearing and/or vision, significant and unexplainable changes in behavior, or for newly identified students who are not yet receiving supports or services. Information is disseminated in an electronic newsletter, publications and a reference library.

Severe Orthopedic Impairment

Students with orthopedic impairment may vary considerably in the nature and severity of their disabilities. The term includes impairments due to the effects of congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments due to the effects of disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). The age at which a disability occurs, its underlying cause, and the presence of secondary disabilities (if any) may affect a student's need for special education and related services. Students with severe orthopedic impairments typically present with more intense special needs requiring technology, multidisciplinary service delivery, and consideration of physical/health care needed. These students may present with complex medical and health-related issues. The needs of these students may vary widely, and consideration of least restrictive environment with the appropriate supplementary supports to enable the students to access the curriculum and participate is critical.

The Placer County LEAs provide services for students who are orthopedically impaired including assessments, consultation and support. The primary focus is on supporting the general or special education teacher in adapting and modifying curriculum to meet the unique needs of the student and providing consultation regarding adaptations and supports needed for physical access and participation. Services include training and technical support; selecting, designing, customizing, repairing AT and curricular supports; coordinating services with equipment; and training or technical assistance for the student, student's family and individuals providing education or services. Services are provided to eligible students using an inclusion model in the most appropriate and least restrictive setting.

English Learners

When developing the IEP for a student who is an English Learner (EL) special care must be taken to ensure the development of an IEP with linguistically appropriate goals, objectives, programs, and services.

For English Learners, the IEP must address the language needs of the student. It should include the student's English proficiency level; linguistically appropriate goals and objectives; how English language development will be provided in areas of reading, oral language, and written language; the language of instruction appropriate to the level of the student's linguistic development; and the required instructional strategies appropriate for the student's language needs.

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

1. The IEP indicates if the student is classified as an English Learner
2. The IEP includes information about the student's current level of English language proficiency in listening, speaking, reading, and writing (based on current English Language Proficiency Assessment of California (ELPAC) or alternative assessment scores/levels)
3. The IEP indicates if the student is going to take the ELPAC or requires the alternate assessment to ELPAC
4. The IEP indicates which testing accommodations and modifications the student may utilize for the ELPAC
5. The IEP addresses programs and services for the English Learner, to include how English language development needs will be met and who will provide those services (indicating setting, duration and frequency)
6. The IEP indicates if primary language support is needed
7. The IEP indicates what language will be the language of instruction
8. The IEP includes goals and objectives that are linguistically appropriate (linguistically appropriate goals should align to the student's addressed level on the ELPAC, or designated alternate assessment, and the CDE English Language Development (ELD) Standards)

Assessment – Determination of English Proficiency

The ELPAC is used to determine the English Language Proficiency (ELP) of students whose primary language is other than English. The ELPAC is aligned with the California English Language Development Standards. The ELPAC assesses four domains: Listening, Speaking, Reading, and Writing.

The ELPAC consist of two separate assessments: initial assessment and summative assessment. The ELPAC Initial Assessment is administered only once during a student's time in the California public school system, based on the

results of the home language survey. The ELPAC Summative Assessment is given only to students who have previously been identified as an EL based upon the Initial Assessment results, in order to measure how well they are progressing with English development in each of the four domains. The results are used as one of four criteria to determine if the student is ready to be reclassified as fluent English proficient, to help inform proper educational placement, and to report progress.

The initial assessment is administered and scores are to be reported to the parent or guardian within 30 calendar days after the student's date of initial California enrollment. (§ 11518.5(d)) For students already being served in special education preschool, at the transition to kindergarten IEP meeting, note in the IEP whether the student will take the ELPAC with or without accommodations or an alternate assessment.

Alternate Assessment

If the student cannot meaningfully take all or any portion of the ELPAC, note in the IEP how the student's English Language Development level will be determined using the alternate assessment. The IEP team should use the "Alternate Assessment Decision Confirmation Worksheet" to assist in determining if the alternate assessment is appropriate. If the alternate assessment is used, the student must be assessed in all areas, including listening, speaking, reading and writing.

Linguistically Appropriate Goals and Objectives

Linguistically appropriate goals and objectives (when needed) should be appropriate for the cognitive level and the linguistic development of the student. Additionally, they should specifically state the language that will be used to accomplish the goal.

Linguistically appropriate goals have the following characteristics:

1. They are appropriate for the cognitive level of the student;
2. They are appropriate for the linguistic level of the student;
3. They match the developmental level of the student's primary (L1) or secondary (L2) language;
4. They match the student's general education transition criteria and LEA reclassification policy;
5. They access the student's prior knowledge and experiences; and
6. They incorporate culturally relevant materials and experiences; and
7. They affirm the student's cultural heritage.

The following are samples of goals that meet the criteria of being linguistically and culturally appropriate. Consider each individual student's present level of performance, language proficiency and learning style in adapting or developing goals, and embedding within a goal as linguistically appropriate for ELA/ELD state standards.

By (date), (student) 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) with 80% accuracy on 3 consecutive trials as demonstrated by data tracking records.

By (date), (student), 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.

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

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:

1. Primary language support to assist with academics
2. Translation devices
3. Extra time on test and assignments
4. Use of reference materials with visuals to aid comprehension
5. 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:

1. Test provided or adapted to be more "comprehensible"
2. Test and assignments modified in length and content
3. Alternative testing formats such as use of visuals, drawings, etc.

English Language Development

Students identified as English learners must receive English language development continuously until they are reclassified as fluent English proficient (RFEP). This requirement includes students who receive special education services. English language development may be provided by appropriately credentialed education specialist in either general or special education. The IEP must specify in which setting the student will receive these services.

Instructional Strategies

Regardless of their disabilities, English learners must receive instructional services and strategies designed for non-native English speakers. Those services and strategies should be identified in the IEP. The most common services and strategies include:

1. Comprehensible input in English (e.g., total physical response, natural approach, language experience approach, Specially Designed Academic Instruction in English (SDAIE), and English instruction at the student's proficiency level);
2. Primary language support (can be provided by a teacher, instructional assistant, volunteer, peer, etc.);
3. Primary language instruction; and
4. Cross-cultural training.

Reclassification

Reclassification is defined as the process by which students who have been identified as English learners (EL) are reclassified as fluent English proficient (RFEP), when they have demonstrated that they are able to compete effectively with English-speaking peers in mainstream classes. Students with disabilities, including severe cognitive disabilities, are to be provided the same opportunities to be reclassified as students without disabilities.

Multiple criteria must be utilized in determining whether to reclassify a student as proficient in English including, but not limited to, all of the following:

1. Assessment of language proficiency using an objective assessment instrument;
2. Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery;
3. Parental opinion and consultation; and
4. Comparison of the student's performance in basic skills against the performance of English proficient students of the same age to determine whether the student is sufficiently proficient in English to participate

effectively in a curriculum designed for students of the same age whose native language is English.

5. For students where factors other than English language proficiency are responsible for limited achievement in ELA, the IEP team should determine if the student's basic skills in ELA assessment appear to be commensurate with his/her intellectual ability. The IEP team may need to make a determination to consider if the student's proficiency is due to a disability, such as intellectual disability, language & speech impairment, etc., versus a language difference. The IEP team should compare primary language assessment levels of academic performance (if available and applicable) and look at error patterns to determine if these mirror the patterns of errors made by students with similar disability versus a peer with language differences. The IEP team should also determine if the student manifests language proficiency in all other areas.

The IEP team should be involved in determining whether an EL student receiving special education and related services will be reclassified. The consideration of reclassification may be initiated by LEA staff or by parents. The IEP team should verify that all LEA criteria have been met. Parents must be consulted prior to reclassification and must be notified of a change in their child's classification. Multiple criteria must include ELPAC scores (or alternate proficiency assessments if identified on the IEP), comparison of student performance in basic skills, teacher evaluation, and parent opinion.

If a student is redesignated through an IEP process, the case manager must notify the Student Information System data analyst to ensure that the student's designation is updated in the system and matches the change in the Special Education Data System. This step will ensure accurate data is reported to the State.

Additional information regarding English learners, English language development, instructional strategies, and reclassification is available in the California Practitioners' Guide for Educating English Learners with Disabilities and [*Improving Outcomes for English Learners with Disabilities from California System of Support*](#).

Behavior Intervention

The Placer County SELPA believes that all students are individuals with unique needs capable of growth and change. This includes students whose behaviors are challenging and who may need the assistance of specific interventions in order to be successful. The vast majority of behavioral difficulties can be prevented with implementation of appropriate classroom management techniques. For individual students who do not respond to typical classroom management strategies, individualized behavioral interventions, supports, and strategies must be developed and included in the IEP.

Overview

Any student with a disability who demonstrates behavior that interferes with his or her learning or the learning of others requires that the IEP team address those needs specifically. When considering how to address the behavioral difficulties of any student, it is important to ensure that a hierarchy of interventions is employed through a Multi-Tiered System of Supports (MTSS).

The California Department of Education defines MTSS as an integrated, comprehensive framework that focuses on Common Core State Standards, core instruction, differentiated learning, student-centered learning, individualized student needs, and the alignment of systems necessary for all students' academic, behavioral, and social success.

One of the core components of the MTSS framework is positive behavioral support. Through the MTSS framework, districts and school staff collaboratively select and implement school-wide, classroom, and research-based positive behavioral supports for achieving important social and learning outcomes. A strong focus on integrating instructional and intervention strategies supports systemic changes based on strong, predictable, and consistent classroom management structures across the entire system.

Tier 1 – Universal (All Students): Tier 1 level of supports focus on prevention through implementing school/class-wide, equity based, and culturally relevant and responsive systems of supports for all learners. The focus of Tier 1 supports is creating and maintaining positive relationships with all students and implementing positive responses to problem behaviors. Approximately 75% to 90% of students respond to Tier 1 supports. Tier 1 supports include, but are not limited to, the following: School-wide PBIS (Positive Behavioral Interventions and Supports), Social emotional Learning (SEL) curriculum, good behavior game, proactive classroom management, and physiology of learning (diet, exercise, sleep, hygiene, stress management).

Tier 2 – Selected (At Risk Students): Tier 2 level of supports involve implementing increased classroom and small group strategies for selected at-risk students. Approximately 10% to 25% of students who are non-responders to Tier 1 supports will be identified by universal screening techniques for Tier 2 supports. Tier 2 supports include, but are not limited to the following: social skills small group instruction, social emotional learning small group instruction, negotiated behavior contract, self-monitoring, school-note home with task-based grounding and celebration of success, positive peer reporting, mentor-based program, and differential reinforcement.

Tier 3 – Targeted Intensive (High Risk Students): Tier 3 level of supports involve targeted intensive individualized interventions for selected high-risk students. Approximately 3% to 5% of students who did not respond to Tier 1 or Tier 2 supports will be identified for Tier 3 supports. In Tier 3, the IEP team must

consider the use of more intensified behavioral interventions, supports, and strategies to more directly address problem behaviors. Tier 3 supports include, but are not limited to, the following: behavioral IEP goals, behavioral accommodations, behavioral supports, Functional Behavior Assessment, Behavior Intervention Plan, Replacement Behavior Training, Cognitive Behavioral Counseling/Therapy, Dialectical Behavioral Therapy, family wrap around and parent training, other evidence-based protocols for anxiety, depression, and habit reversal needs.

Creating a Positive Classroom Environment

The most effective intervention is prevention. This level of intervention involves the use of effective instructional approaches and classroom management systems. Interventions are either preventative or employ typical classroom techniques for encouraging and teaching appropriate behavior. The classroom teacher may need to seek the assistance of colleagues, administrators, mentor teachers, school psychologists, or program specialists for assistance in developing a positive classroom environment.

Behavioral Interventions, Supports and Strategies

Creating a positive classroom environment promotes and encourages appropriate behavior for most students. Individual students, however, may develop challenging behaviors that have an adverse impact on their learning and/or the learning of others. In this case, the IEP team must consider the use of behavioral interventions, supports and strategies to address that behavior.

The student's case manager consults with the school psychologist or behaviorist to determine if these behaviors are serious. If they are not serious but could become serious, behavioral goals may be written to assist the student in learning more appropriate behaviors.

If it is determined that the behaviors are serious, a behavioral assessment should be conducted and a behavior intervention plan (BIP) needs to be developed. Alternately, a student may exhibit sudden, unpredictable behavior that poses a clear and present danger or physical harm to the student or others. An interim BIP must be developed while further assessment is conducted to determine whether a systematic BIP is necessary.

Prior to disciplinary action that may constitute a change in placement for a student who has an IEP, the IEP team must be convened to determine if the behavior is a manifestation of the student's disability. If the LEA, the parent, and relevant members of the IEP team make the determination that the conduct was a manifestation of the student's disability, the IEP Team must conduct a functional behavioral assessment (FBA), unless the LEA had conducted an FBA

before the behavior that resulted in the change of placement occurred and implemented a BIP for the student. If a BIP already has been developed for the student, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Any type of behavioral intervention, support, or strategy that is used, should consider the student's physical freedom and social interaction, be administered in a manner that respects human dignity and personal privacy, and ensures a student's right to placement in the least restrictive environment.

Behavioral Goals

When an IEP team has identified behavior as an area of need (even though it may not yet be serious), legal mandates require that present levels of academic achievement and functional performance, along with a corresponding goal, be developed. The purpose of a behavioral goal is to achieve general positive behaviors, (e.g., turn in work, stay on task, etc.) or for reduction or elimination of problem behavior (e.g., hitting, getting out of seat, fighting at recess, etc.). Under IEP notes, consider describing the IEP team discussion as follows: "The IEP team has concluded that John does not yet demonstrate behavior that impedes his learning or that of others, however, the team believes that the identified behavior needs to be addressed to prevent it from becoming more serious. Two behavioral goals were added to the IEP and John's progress in this area will be carefully monitored. If necessary, a behavior intervention plan will be developed in the future."

Well written goals and objectives include the conditions under which the behavior will be demonstrated, a description of the alternate, functionally equivalent replacement behavior, the supports provided, and the criteria for success. Documentation of the IEP team's discussion regarding the student's challenging behavior should be included in the IEP notes.

Use the following guidelines for writing goals to address social/emotional needs:

1. Do not write goals for feelings.
2. Write goals to improve measurable behaviors.
3. Focus on the relevant behavioral manifestations of the identified social-emotional problems (e.g., measurable behaviors that result from social-emotional problems and prevent the student from benefiting from his/her education).
4. Wording in the baseline and the goal should be similar.
5. Keep the goal simple and have only one variable in a goal.
6. Make it easy for a layperson to understand.
7. Observations, classroom-based data collection, and/or other staff reports can provide useful quantified baseline data.

Examples of ineffective goals:

Ineffective GOAL #1: By _____, Student will improve self-esteem, as measured by participation in weekly group counseling. *This is an ineffective goal because: Participation in a group counseling is not proof of improved self-esteem, student could participate in group counseling but still perform poorly in school; the goal is not quantified; the term participation is vague.*

Ineffective GOAL #2: By _____, when in need of clarification on an assignment or task, student will seek assistance from staff and only ask questions related to the assignment or task 70% of the time as measured by teacher observation. *This is an ineffective goal because: it requires mind reading (to know when the student needs or doesn't need clarification); it has two distinct variables; impossible to measure accurately.*

Ineffective GOAL #3: By _____, Student will appropriately interact with peers and adults by maintaining healthy boundaries and engaging in appropriate communication in 2 out of 4 situations as measured by staff observations and charting. *This is an ineffective goal because: It is too vague (what is a healthy boundary? How is it determined that the student has move from a healthy boundary to an unhealthy boundary?). It has two variables (healthy boundaries & appropriate communication) that need to be measured separately.*

Examples of well written goals to address social/emotional needs:

--Improve Conduct--

BASELINE: Student currently demonstrates inappropriate behaviors in class including swearing at students and staff, mumbling under his breath, glaring at others, and slamming objects down on his desk 9 times per month.

GOAL: By _____, Student will reduce the frequency of his inappropriate behaviors in class (e.g., swearing at students and staff, mumbling under his breath, glaring at others and slamming objects down on his desk) to 2 or fewer times per month as measured by daily behavior logs.

--Comply with Directions --

BASELINE: Currently, in class Student quietly complies with verbal directives the first time the directives are given, 20% of the time. **GOAL:** By _____, in class Student will quietly comply with verbal directives the first

time the directives are given 80% of the time, as measured by daily behavior charting.

--Comply with Directions --

BASELINE: Student completes 20% of his assignments each month, as measured by teacher assignment completion/grade book. **GOAL:** By _____, Student will complete 70% of his assignments per month, as measured by teacher assignment completion/grade book.

--Coping Skills --

BASELINE: Following one verbal prompt from school staff, Student moves to a time out area, study carrel, or other identified area to calm self, in 2 out of 10 situations. **GOAL:** By _____, following one verbal prompt from school staff, Student will move to a time out area, study carrel, or other identified area to calm self in 8 out of 10 situations.

Developing the Behavior Intervention Plan

Behavior Intervention Plans (BIPs) are organized descriptions of what teachers, para-educators, parents and others will do to reduce the need for a student to use a challenging behavior and the alternative strategy they will learn to use to meet the student's needs. A completed BIP is reviewed by the IEP team and becomes a part of the student's Individualized Education Program (IEP). The Placer County SELPA recommends the use of the BIPs within the electronic IEP system.

Implementing a successful BIP involves a team, including the parent(s)/guardian. It is not a one-time event. It involves identifying the problem behavior; understanding the problem behavior; developing the BIP; implementing the BIP; and monitoring/evaluating and possibly revising the BIP. The Placer County SELPA provides specific trainings for staff who may be in a position to develop BIPs.

Serious Behavior

Serious behavior is defined as assaultive, self-injurious, results in serious property damage, or other pervasive maladaptive behavior. When an IEP team finds the current behavioral intervention efforts have not been sufficient, or when a behavioral emergency indicates the need for more intensive analysis and intervention, the IEP team should develop or revise the BIP. This may be based on completing additional assessment (e.g., Functional Behavioral Analysis).

Prohibited Interventions

An IEP shall not authorize, order, consent to, or pay for the following:

1. Any intervention that is designed to, or likely to, cause physical pain, including, but not limited to, electric shock;
2. An intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the student;
3. An intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities;
4. An intervention that is designed to subject, used to subject, or likely to subject, the student to verbal abuse, ridicule, or humiliation, or that can be expected to cause excessive emotional trauma;
5. Restrictive interventions that employ a device, material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained personnel as a limited emergency intervention;
6. Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room;
7. An intervention that precludes adequate supervision of the student; or
8. An intervention that deprives the student of one or more of his or her senses.

Emergency Interventions

Emergency interventions not specified in a student's BIP shall be used only when necessary to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior.

Emergency interventions shall not be used as a substitute for systematic BIPs. No emergency intervention shall be used for longer than is necessary to contain the behavior. Upon prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation.

Only emergency interventions approved by the SELPA may be used. Behavioral emergency intervention practices acknowledge and approved by the Placer County SELPA include: Crisis Prevention Intervention (CPI) – Nonviolent Crisis Intervention; Professional Assault Response Training (PART). The Placer County SELPA Program Specialists currently provide training in CPI for educational staff from LEAs. Classes are provided throughout the schoolyear. Staff members successfully completing CPI are certified for two years.

The following emergency interventions may not be used:

1. Locked seclusion, unless it is a facility otherwise licensed or permitted by state law to use a locked room;
2. Employment of a device or material or objects that simultaneously immobilize all four extremities, including prone containment;
3. An amount of force that exceeds that which is reasonable and necessary under the circumstances.
4. SB 483 prohibits any educational personnel from using a prone restraint on any student enrolled in an educational program. A prone restraint is defined as the application of a behavioral restraint on a pupil in a facedown position for any period of time and includes a procedure known as prone containment.

The following steps must occur following a behavioral emergency:

1. Notify parents within 24 hours if an emergency intervention is used OR serious property damage occurs (most behavioral emergency situations should be reported to the parent(s)/guardian immediately);
2. Immediately complete Behavior Emergency and Incident Report which should include:
 - a) Name and age of the individual with exceptional needs;
 - b) The setting and location of the incidence;
 - c) The name of the staff or other persons involved;
 - d) A description of the incident and the emergency intervention used, and whether the individual with exceptional needs is currently engaged in any systematic behavior intervention plan;
 - e) Details of any injuries sustained by the individual with exceptional needs, or others, including staff, as a result of the incident.
3. Immediately forward the Behavior Emergency and Incident Report to designated responsible administrator who must review;
4. Schedule an IEP meeting within two days;
5. At the IEP meeting, review/revise goals, review/revise/develop BIP plan as appropriate; discuss necessary next steps (e.g., functional behavior assessment, interim plan). The IEP team should document the reasons for not conducting a functional behavior assessment or developing interim plan, or both if that is the IEP team's recommendation.

If the behavior emergency report is for a student who does not have a BIP, the designated responsible administrator shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for an FBA and for an interim BIP. If the IEP team determines that an FBA and/or interim BIP are not required, the team shall document the reason for that determination.

If the behavior emergency report is for a student who has a BIP, any incident involving a previously unseen serious behavior problem, or where a previously designed intervention is not effective, shall be referred to the IEP team. The IEP

team shall review the incident and determine whether the student's plan needs to be modified.

Suspension and Expulsion

Removal Not Considered a Change in Placement

School personnel may suspend a student who has an IEP as long as the removal does not constitute a change in placement. Removals that do not constitute a change in placement are days of suspension that total 10 or fewer cumulative school days within the school year, and additional removals for separate incident of not more than 10 cumulative days in the same school year, provided that a pattern is not evident.

Removals Considered a Change in Placement

Prior to disciplinary action of a student who has an IEP that may constitute a change in placement (i.e., expulsion, suspension of more than 10 cumulative school days within the school year, or any number of school days within the school year that constitutes a pattern), school personnel must:

1. Notify the student's parents on the date the decision is made to take the disciplinary action and provide a copy of their *Notice of Procedural Safeguards*;
2. Return the student to the IEP placement, if possible; and
3. Convene an IEP team meeting within 10 school days of any decision to take disciplinary action that may change the placement of a student with an IEP.

A pattern should be considered present when:

1. The days of suspension total more than 10 cumulative school days in a year;
2. The student's behavior is substantially similar to previous incidents that resulted in suspension;
3. The length of each suspension is significant;
4. The total amount of time that the student has been suspended is significant; or
5. There is close proximity between the dates of the suspensions.

If a Proposed Action is NOT a Change in Placement

If the LEA concludes that the proposed action does not amount to a change in placement, then the LEA administrator can remove the student from the current placement. The removal can be to an appropriate interim alternative educational setting (under special circumstances), another setting, or suspension, for not more than 10 consecutive school days.

However, the LEA must provide services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP. These services are determined in consultation with at least one of the student's teachers.

IEP Team Meeting (Manifestation Determination)

The parent/guardian of the student must be notified of the IEP team meeting and must be invited to attend. The notice of IEP team meeting is typically given to the parents by the case manager at a meeting called and facilitated by the site administrator to notify the parents of the behavior incident and the proposed disciplinary action. A *Notice of Procedural Safeguards and Parents' Rights* is to be included with the meeting notification. If the parent does not attend the meeting called by the site administrator, the case manager should contact the parent by other means in order to provide notice of the IEP team meeting.

In preparation for the IEP team meeting, the school psychologist or behaviorist will facilitate collection of pertinent data by reviewing student records; conducting interviews with the student, parents, and staff; and conducting classroom observations, when possible. This data is summarized in a written report and discussed at the IEP team meeting. The purpose of the IEP team meeting is to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability;
2. The direct result of the district's failure to implement the IEP; and
3. A manifestation of the student's disability (considered to be the case if either of the two previous items is found to be true).

If the IEP team determines that the behavior was a manifestation of the student's behavior, the team must also review and revise or develop a BIP (as appropriate). Outcomes of the meeting are documented on the Manifestation Determination page of the IEP. The parent and student are not required to consent to the IEP for action to proceed, nor is parental consent required as a condition of a final decision to expel.

LEAs are required to notify a foster youth's attorney and the appropriate representative of the county child welfare agency of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act, pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act, and, if the foster child is an individual with exceptional needs, pending manifestation determinations.

Moving Forward Following the IEP Team Meeting

If it is determined that the student's behavior was not a manifestation of his or her disability and that the student's IEP was being implemented at the time of the alleged misconduct (or the behavior was not the direct result of a failure to implement the IEP), school personnel may apply disciplinary procedures to the student in the same manner and for the same duration as those procedures are applied to students without disabilities.

If a student is being considered for expulsion, a copy of the IEP is submitted to the site administrator for inclusion in the expulsion packet.

If it is determined that the student's behavior was a manifestation of his or her disability or that the student's IEP was not being implemented and that the alleged misbehavior was the direct result of that failure, the student shall not be subject to the disciplinary procedures being considered. The IEP team shall return the student to the placement from which he or she was removed unless the parent and LEA agree to change the placement. Additionally, if the IEP team determined that the IEP was not being implemented, it must take immediate steps to remedy that deficiency.

Special Circumstances

LEA may remove a student to an interim alternative educational setting for not more than 45 days without regard to whether the behavior is determined to be a manifestation of the student's disability, in cases where the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of State or 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 a State or local education agency;
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local education agency.

Serious bodily injury is defined as 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.

Required Educational Services during Periods of Suspension/Expulsion

LEAs are only required to provide educational services to student with disabilities who have been suspended for 10 days or less in the school year, if it provides services to students without disabilities who are similarly suspended. Beginning on the 11th day of suspension and/or during a student's period of expulsion, special education services must be provided.

Those services must enable the student to:

1. Continue to receive educational services so as to enable the student to continue to participate in general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

School personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

Protections for Students Not Currently Determined Eligible for Special Education

Students who have not been determined to be eligible for special education and related services may assert any of the protections related to disciplinary action as specified above if the LEA had knowledge that the student had a disability before the behavior that precipitated the disciplinary action occurred. Such knowledge is deemed present when:

1. The student's parent has expressed concerns in writing to school staff that the student is in need of special education and related services and/or requested an assessment;
2. The student's teacher, or other school personnel, has expressed specific concerns about the student's behavior directly to supervisory personnel of the LEA; or
3. There is a current written referral to special education.

The LEA would not be deemed to have knowledge that the student had a disability if the parent has not allowed an assessment of the student, has refused services, or if the student has previously been evaluated and found ineligible for special education and related services.

If the student does not meet any of the three criteria above, the parent may still request an assessment. If that occurs, an assessment, if determined appropriate, must be conducted in an expedited manner. Until the assessment is completed, the student remains in the educational placement determined by school authorities (including suspension or expulsion) without educational services. If found eligible, special education and related services must be provided and the procedures listed above for disciplinary action must be followed.

Suspension from Bus Transportation

A suspension from school bus transportation is regarded as a suspension from school if failure to provide transportation prohibits the special education student from receiving the services specified in the IEP. A student with an IEP who is excluded from school bus transportation is entitled to an alternative form of transportation to school at no cost to the parent or student.

Appeals

If the parent/guardian disagrees with the decision of the IEP team in reference to the manifestation determination or interim alternative educational setting, he or she may appeal the decision by requesting a due process hearing. An LEA may request a due process hearing if it believes that maintaining a student whose behavior has been determined to be a manifestation of his or her disability in his or her current placement is substantially likely to result in injury to the student or others, and parent will not consent to an alternate placement. In either case, the administrator and/or case manager should ensure that the parent receives a copy of the *Notice of Procedural Safeguards and Parents' Rights* and information about how to file for a due process hearing.

If the parent requests the due process hearing, the LEA must arrange to convene a resolution session within seven days of receiving notice of the due process complaint unless the parent and LEA agree, in writing, to waive the resolution session. If not resolved through a resolution session or mediation, a due process hearing will occur in an expedited manner and a decision will be rendered within 30 days of the date that the request for a due process hearing is filed. When an appeal has been made, the student must remain in the interim alternative educational setting pending the decision of hearing judge; or until the expiration for the 45-day time period in the case of a student who has engaged in behavior involving weapons, drugs, or serious bodily injury as described above.

Readmission of an Expelled Student with Disabilities

Readmission procedures for a student with disabilities are the same as those for all students. Upon the student's readmission, an IEP team meeting shall be convened to determine whether a new IEP needs to be established.

Involvement of Law Enforcement Authorities

IDEA does not prohibit a school or district from reporting a crime committed by a student with disabilities to the appropriate law enforcement authorities. Further, IDEA does not prohibit law enforcement and judicial authorities from applying the law to crimes committed by a student with disabilities. If such action takes place and the student is arrested or cited, the LEA must ensure that special education and discipline records are transmitted to the authorities to whom the crime was reported to the extent permitted by the “Family Education Rights and Privacy Act”.

Summary

See the attached “Suspension/Expulsion” summary for an overall snapshot of the process, dependent on the nature of the removal. In addition, the following checklist includes recommended plans or processes each LEA should have in place to be prepared to handle suspension/expulsion situations:

1. Assign someone the duty of “counting the days” for each student with a disability.
2. Assign an administrator the duty of determining whether or not cumulative actions amounts to a change in placement.
3. Develop methods of serving students who are removed for more than 10 days.
4. Develop strong, well-staffed interim alternative settings.
5. Train IEP team members, and in particular school psychologists and administrators, on the proper process for making manifestations determination.
6. Be prepared for parental disagreement.
7. Use BIPs to address inappropriate behaviors when behavior is a manifestation of the disability.
8. Ensure swift and clear communication between regular education and special education staff.
9. Make sure school site administrators are aware of the possibility that a regular education student COULD assert IDEA protections.

(IDEA 300.324(a)(2)(i)-(v))	(EC 56521.1)
(EC 56026.5)	(EC 56521.1)
(20 USC. 1414(d)(3)(B)(ii))	(34 CFR 300.530(b)(1))
(34 CFR300.324(a)(2)(ii))	(34 CFR 300.530(e)and (h))
(EC 56345(b)(2))	(34 CFR 300.536(a)(1)(2))
(E.C. 56341.1(b)(2))	(34 CFR 300.530(b)(1))
(EC 52164.1)	(34 CFR300.530(d)(1))
(EC 313 (f)(1)-(4))	(34 CFR 300.530(e)(1)-(2) and (f)(1))
(EC 56341.1(b)(1))	(34 CFR 300.530(c))
(EC 56341.1(b)(1))	(34 CFR 300.530(e)(3) and (f)(g))
(EC 56521.1)	(20 USC 1415(k)(1)(G))

(20 USC 1415(k)(7)(D))
(18 USC 1365(h)(3))
(34 CFR 300.530(b)(2))
(34 CFR 300.530(d)(1)-(5))
(34 CFR 300.531)
(20 USC 1415(k)(5)(B)(iii))
(34 CFR 300.534(b) (1)-(3))
(34 CFR 300.534(d)(2))

(EC 48915.5(c))
(34 CFR 300.532)
(34 CFR 300.533)
(34 CFR300.535)
(34 C.F.R. § 300.530(f))
(34 C.F.R. § 300.530(f)(1)(i))
(34 C.F.R. § 300.530(f)(1)(ii))

Chapter 10 – Transition Planning

There are several junctures when transition planning is important for school-age students with disabilities. Transitions occur throughout an individual's lifetime, and children with special needs experience more frequent and often more challenges with transitions. This chapter will focus primarily on the specific transition requirements when a student reaches high school, but IEP teams may need to consider transition supports at other times as well, including:

Program Transition

A program transition may include:

1. Transitioning from a more restrictive to a less restrictive environment
2. Transitioning from preschool to transitional kindergarten/kindergarten/first grade, elementary school to middle school/junior high, eighth grade to high school
3. Transition from high school to adult living
4. Transition from Early Start (IFSP) to educational services (IEP) at age 3. Please see Chapter 13 – *Early Start* for more information.

Transitioning from a more Restrictive Environment to a Less Restrictive Environment

When a student transitions into a general education class/program in a public school from a special day class or a nonpublic, nonsectarian school for any part of the school day, the IEP should include a description of the activities provided to:

1. Integrate the student into the general education program indicating the nature of each activity, and the time spent on the activity each day or week; and
2. Support the transition of the student from the special education program into the general education program.

Transitioning from preschool to transitional kindergarten/first grade, elementary school to middle school/junior high to high school

When a special education student matriculates from one school site to another, it is the intent of the legislature that gains made in the previous special education program are not lost by too rapid a removal of individualized programs and

supports for these individuals. As part of the transition process, a means of monitoring continued success of the student shall be identified by the IEP team for those children who are determined to be eligible for less intensive special education programs. As part of the transition process, the present performance levels and learning style of the student should be noted by the IEP team and be made available to the assigned general education teacher upon the student's enrollment in the new setting.

As the preschool age child approaches the age to enter the elementary school environment, the child's preparation is geared toward readiness for transitional kindergarten/kindergarten and later school success. Preschool children identified as individuals with exceptional needs must be reassessed prior to transitioning from a preschool program to kindergarten or first grade. This reassessment may include standardized testing, criterion referenced testing, observation and/or review of records. Personnel providing special education services to the child are responsible for completing this reassessment and writing a summary report. Whenever possible, the IEP team review meeting should include a transitional kindergarten/kindergarten or first grade teacher to ensure that a smooth transition occurs. After enrolling in transitional kindergarten/kindergarten or first grade, the child's progress should be monitored to determine the need for continuing special education program services.

Transition from High School

As a student with disabilities moves into the teen years, the IEP focuses more on the interests of the student and what he or she hopes for the future, and it is the IEP team's responsibility to create a transition IEP to support those interests. The purpose of Transition Planning is about preparing a student for the future and how academic courses, functional curriculum and vocational activities support the student towards the future goal.

The term "transition services" means a coordinated set of activities for an individual with exceptional needs that:

1. Is results-oriented and focused on improving the academic and functional achievement of the student to facilitate the movement from school to postsecondary activities (including postsecondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation); and
2. Is based upon the individual needs of the student, taking into account the strengths, preferences, 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.

3. Includes specialized academic instruction (SAI), related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and provisions of a functional vocational evaluation.

The student's IEP must be updated prior to the 16th birthday (by the time the student enters high school if deemed appropriate by the IEP Team) to include the following transition components:

- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills;
- The transition services (including course of study) needed to assist the student in reaching those goals; and
- Beginning not later than one year before the student reaches the age of majority under state law (18 in California), a statement that the student has been informed of the student's rights under Part B, if any, that will transfer to the student on reaching the age of majority must be included in the IEP.

Participants in the Transition Planning Process

A student must be invited to any IEP meeting in which post-school transition will be discussed, and student input is required in the transition planning process. Planning for a student's transition to post-school activities is a student centered and student driven process that should be started early (at least by 16) and reviewed annually.

Transition outcomes (such as independence, employment and community access) are more successful when the student participates in his/her own transition planning. Self-determination skills are considered to be fundamental to a student's successful participation in his/her own IEP development. Research, supported by the Office of Special Education Programs (OSEP), indicates that students need these specific skills to actively participate in their IEPs:

- Understand how to participate in and lead their own IEP meetings. Teach students self-determination, self-advocacy, and meeting skills.
- Understand how to develop attainable and realistic goals. Provide experiences so students identify their interests, skills, and areas for continued growth across transition areas.
- Understand how to accomplish goals. Teach students how to develop a plan to attain their goals, take action on the plan, evaluate and adjust their plan of action.

In addition to the student, the parent(s)/guardian, general education teacher, special education teacher, LEA administrator, representatives of any community agency that might provide services to support transition may be invited to the IEP meeting with parent permission. Agency personnel may decline, but there must be evidence they were invited to participate.

Lead agencies (those that can commit resources on behalf of a student) include: the LEA, Alta California Regional Center, and the Department of Rehabilitation. Each of these agencies establishes their own eligibility requirements for serving students. IEP teams may not commit another agency to provide services. However, if a participating community agency is unable to provide the transition services described in the IEP, the IEP team must reconvene and identify alternative strategies to meet the transition objectives for the student set out in the IEP. If a student is eligible/receiving services from another agency, this information is noted in the IEP.

The following actions should occur prior to an IEP meeting where transition is discussed:

1. Prepare the student and family for the transition process.
2. Help student and family make a connection between the student's abilities and future career/living situation.
3. Discuss High School Diploma (including the Alternate Pathway to diploma) and Certificate of Completion and what each means.
4. Encourage student and family to explore adult living and employment options.
5. Help the student and family describe student's disabilities and any accommodations that may be needed.
6. Give the student opportunities to discover what he/she can do, cannot do, or do with support.
7. At age 17 or earlier, discuss Age of Majority and what it means to the student and family.

Gather Information from the student, parents, and school staff regarding;

1. Student's vision for the future
2. Student's present levels of functioning as related to transition:
 - a. Work Experience
 - b. Recreation and Leisure
 - c. Home/Independent Living
 - d. Community Participation
 - e. Postsecondary Training and Learning
 - f. Related Services

Participation in a Transition IEP

Student Role

IDEA requires the student be invited to the IEP meeting whenever appropriate. The IEP is based on the individual student's needs, strengths, preferences and interests. When planning for the transition from high school to post-school life, the student's input is essential for his or her success. The public agency must invite a student with disability to attend the student's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals.

There are four areas where a student can be involved in the IEP process:

- Planning the IEP: includes laying the foundation for the meeting by identifying strengths and needs, establishing goals, considering options, and preparing materials for the IEP meeting.
- Drafting the IEP: provides practice in self-advocacy skills and includes having students create a draft of their IEP that reflects these strengths and needs, as well as their interests and preferences.
- Participating in the IEP meeting: in which students have the opportunity to share their interests, preferences, and needs and participate in dialogue with other members of the IEP team to develop a plan.
- Implementing the IEP: involves students evaluating how well they are achieving the goals identified in their IEP.

Suggested Self-Advocacy strategies to prepare students to participate actively in the IEP:

- Inventory strengths: areas to improve or learn, goals and choices for learning or needed accommodations. Students complete an inventory sheet they can use at the IEP meetings.
- Provide inventory information: Use inventory, portfolio, presentation video, etc.
- Listen and respond: learn the proper times to listen and to respond.
- Ask questions: teach students to ask questions when they don't understand something.
- State goals: students list the goals they would like to see in their IEP.
- Use the IEP as an opportunity to develop self-advocacy and leadership skills.

If the student is not in attendance, the team should ensure that the student's interests and preferences were considered in the planning process.

If the student is a minor, the parents (unless education rights have been limited or extinguished) have the authority to determine whether the student should

attend the IEP team meeting. It is the public agency's obligation to take other steps to ensure that the student's preferences and interests are considered if the child is unable to attend the meeting.

Parent/Family Role

Supports the student, reinforces the value of an individual program, and provides information about student's strengths and areas where assistance is needed.

Special Education Teacher Role

Provides information regarding student strengths and interests, 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 services needed, 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 a course of study, assists in identifying and providing modifications and adaptations, supports, and positive behavioral strategies or interventions.

Not less than one regular education teacher of such student (if the student is, or may be participating in regular education) must participate in the transition IEP.

LEA Representative Role

The LEA representative's primary responsibility is to support staff and allocate resources. The representative should be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities. The representative should be knowledgeable about the general curriculum and the availability of resources of the LEA. Additionally, the LEA representative has the authority to commit the LEA to implement the IEP. The LEA may designate another staff member of the IEP team if these criteria are met.

Other Specialist Role

These may be personnel that can interpret the instructional implications of evaluation results. This specialist may be one of the team members already listed.

Other Appropriate Agency Personnel

Provide information about services, eligibility criteria, explain difference between entitlement of school programs and eligibility of adult services, and assist in identifying community or adult services.

This would require, to the extent appropriate, and with the consent of the parent or a student who has reached the age of majority, that a representative of a participation agency that is likely to be responsible for providing or paying for transition services be invited to the meeting.

What to include in the Transition IEP

- The student
- A statement of transition services needs that includes a school program and community activities based on the student's level of functioning and future goals and that identifies the end result (*Certification of Completion and/or Diploma*)
- A statement of needed transition services (includes specialized academic instruction, related services, community experiences, employment and post-school adult objectives, agency linkages and, if appropriate, acquisition of daily living skills and functional vocational assessment)

Goals and Objective

The annual goals and short-term objectives of the IEP should support the student's expressed postsecondary vision and obtainable postsecondary goals. School goals and vision should be based upon the student's present levels of performance, and reflect the statement of needed transition.

Overview of Transition Planning

Collaborate closely with the student through each step of the process:

1. Transition Assessment: Conduct age-appropriate assessments to determine interests, aptitudes and areas of need.
2. Assessment Results: Describe the student's strengths and present levels of performance, achievement, and functioning.
3. Measurable Postsecondary Goals: Based upon assessment information and present levels, develop student-centered measurable postsecondary goals.
4. Course of Study: Determine a course of study that will support the student's transition goals.
5. Coordinate Set of Activities to Support Transition Goals: Develop a "coordinated set of activities" that support the measurable postsecondary goals and transition plan.
6. Transition Services: Determine transition services and document in student's IEP.
7. Student Led Transition (IEP) Meeting: Assist the student to plan and prepare to lead the IEP meeting. Be sure to include these additional components:
 - a. Age of Majority: Document the information shared with the student around the Age of Majority.
 - b. Invite Appropriate Outside Agencies: Ensure appropriate agencies are invited to the IEP meeting.

8. Implementation: Implement the IEP, monitor progress on goals and course of study, modify and update plan annually.
9. Annual Review of Goals and Updates to Plan: Develop annual IEP goals that align with and support the transition plan annually.
10. Summary of Performance: The Summary of Performance must be completed in the final year of a student's high school education. It is intended for postsecondary schools, service providers, and employers, to be used at the student's discretion.

Transition Assessment

Transition Assessment is the ongoing process of collecting data on the individual's needs, preferences and interests as they relate to the demands of current and future working, educational, living, and personal and social environments. Assessment is the common thread in the transition process and forms the basis for defining goals and services to be included in the IEP. Transition assessment should include activities, assessments, content, environments, instruction, and/or materials that reflect a student's chronological age.

Each year, the transition assessments should be revisited in a more specific manner, targeting the student's development. For students in grades nine and ten, a career exploration measure or interest inventory is typically satisfactory. For an older student, a vocational skills assessment is more appropriate. Assessment should address all three components of transition – employment, postsecondary education and training, and independent living.

It is best practice to use information in addition to a student's self-report when assessing for transition. Input from parents, teachers, and other providers is helpful in determining needs a student may have but not recognize in employment, independent living, and education. Tools that can be used to assess a student's transition needs may include:

- Psycho-educational Assessments
- Job Evaluations
- Labor Market Surveys/Aptitudes Tests
- Progress on IEP Goals
- Transition Inventories
- Observations & Record Reviews
- Interest Surveys
- Personality Inventories
- Academic Assessments/Curriculum Based Assessments
- Computerized Career Systems
- Student and Family Interviews

If doing individual transition assessment, there should be an assessment plan signed by the parent or guardian. Some assessments are often done as a group

activity, and may not require an assessment plan. For example, if a whole class is taking an online career interest inventory, individual parent consent is not required. But, if an individual student is asked to complete a career interest inventory and the assignment is not required class wide, an assessment plan must be signed for parent consent. Document the assessment(s) done each year in the transition assessment section of the IEP. Include the name and date of each tool used, a brief summary of the results, and outcomes of any work, training or community service in which the student has participated.

Measurable Postsecondary Goals

Measurable Postsecondary Goals (MPSGs) should be student centered and directed by assessment.

They typically focus on 12-24 months after high school graduation or completion. It's important that the goals are measurable and identify an outcome rather than a process. These measurable postsecondary goals must be reviewed and updated annually, but they may not change annually. They may become more specific as a student matures.

Measurable postsecondary goals are required for all students in two areas: 1) training/education and 2) employment. Measurable postsecondary goals in the area of training/education may include college studies (university and community college), occupational certification, technical training, industry certification, or on the job training. Measurable postsecondary goals in the area of employment might include paid, competitive, supported or sheltered employment. It may also include unpaid opportunities such as volunteering in a training capacity, military, etc.

A third measurable postsecondary goal in the area of Independent Living is recommended but not required. It is up to the student's IEP team to determine whether IEP goals related to the development of independent living skills are appropriate and necessary for the student to receive FAPE. Measurable postsecondary goals in the area of independent living should be considered for students who are Regional Center clients, students taking alternative assessments, students on a non-diploma track, and for students with medical and mental health issues. Recommended best practice is to have a goal in independent living for all students with an IEP.

Suggested IEP Language for Measurable Postsecondary Goals

The IEP template in SIRAS starts the MPSG with "Upon complete of school I will..." From that point on, the team could choose to add specificity, i.e., "receive a certificate of completion and ...," or "receive a high school diploma and..." and align MPSGs with the outcome identified in the student's Course of Study. Use results-oriented terms such as, "Will enroll in, will work at, will live independently,"

etc. (Avoid “hope to”, or “plan to”, or “will seek employment,” etc.) Use descriptors such as full-time, part-time, independently, with adult support, etc.

Annual goals should be specifically and directly linked to the measurable postsecondary goals. Annual goals must be reasonably calculated to assist the student in achieving readiness for postsecondary goals. Skills targeted should be based on identified areas of student need, and there should be at least one annual goal tied to each measurable postsecondary goal.

Course of Study

Federal and state law require that transition pages in an IEP include a multi-year description of coursework planned to achieve the student’s desired postsecondary goals from the student’s current year to the anticipated graduation or exit year. A transcript does not meet this requirement unless it includes courses the student will take in the future, by year, that are specifically related to the student’s postsecondary goals.

Based on a review of legislation and California Education Code (CEC) that inform the course of study for the state of California, and with the goal of making sure we do not create liabilities for any students, it is recommended:

1. The course of study must intentionally and explicitly reflect each student’s secondary completion goals and postsecondary transition goals.
2. For students who plan to earn a high school diploma the student must meet state and district graduation requirements.
3. Elective classes or those meeting the state and district graduation requirements such as performing and visual arts, foreign language (language other than English including American Sign Language), and career technical classes should reflect the individual student’s career interests and postsecondary goals.
4. The course of study should be sufficiently generic to be portable across district or state lines.
5. Student progress towards achieving a high school diploma or certificate of completion should be monitored at least once annually with consideration given to attendance, grades, credit status and other educational performance measures. The course of study should also be reviewed at least once annually for all students.
6. It should be recognized that, to the maximum extent possible, attainment of a high school diploma should be recognized as partially meeting postsecondary education and employment goals. (Some employers require a diploma to meet their minimum requirement when considering job applications).
7. It should be emphasized that the course of study and attainment of a diploma or certificate are not sufficient to document the provision of transition services as mandated in IDEA.
8. For students whose course of study will lead to certificates that are alternatives to a high school diploma, the certificate should intentionally

and explicitly reflect each student's secondary completion goals and postsecondary goals.

Note: The certificate of completion option is available to those students who are not able to complete the requirements for a regular high school diploma as offered by the LEA/district. These students are eligible for educational placement and services in accordance with their IEP until the age of 22. If the school is a charter school, the governing board of the LEA/district approves the requirements for the certificate of completion graduation option.

Coordinated Set of Activities to Support Transition Goals

IDEA requires a "coordinated set of activities" for individual students to meet their postsecondary goals. These activities should be listed in the transition page of the student's IEP, and must be individualized based on the needs of the student. While some activities included in the list may be general activities offered to all students at a school site, other activities should be identified that help each individual student work toward measurable postsecondary goals. Many of these activities may already be happening at a school site and may benefit all students. Examples might include:

- Career Day for all students
- Visits to local community college(s)
- Visit local recreation centers
- Taking public transportation to community activities
- Community Services
- Job shadow other peers

Activities to support a student's transition goals may be provided by a variety of properly qualified personnel, depending on the needs of the student. Some examples might include:

- A school counselor provides information on college admissions, financial aid or campus information
- An occupational therapist provides fine motor therapy for a student to be able to brush hair on own
- A special education teacher provides specialized academic instruction to improve math skills in the areas of banking and money management
- A case manager arranges for job shadowing opportunities in the community
- A "careers class" provides instruction in job search and interviewing skills

Summary of Performance (Postsecondary Exit)

The Summary of Performance (SOP) is required under the reauthorization of the individuals with Disabilities Act (IDEA) of 2004. The language as stated in IDEA 2004 regarding the SOP is as follows:

For a student whose eligibility under special education terminates due to graduation with a regular diploma or due to exceeding the age of eligibility, the local education agency “shall provide the student with a summary of the student’s academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student’s postsecondary goals.”

The Summary of Performance, with the accompanying documentation, is important to assist the student in the transition from high school to higher education, training, and/or employment. This information is necessary under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act to help establish a student’s eligibility for reasonable accommodations and supports in postsecondary settings.

The information about students’ current levels of functioning is intended to help postsecondary institutions consider accommodations for access. These recommendations should not imply that any individual who qualified for special education in high school will automatically qualify for services in the postsecondary education or the employment setting. Postsecondary settings will continue to make eligibility decisions on a case-by-case basis (adapted from the Council for Educational Diagnostic Services, a division of the Council for Exceptional Children).

The Summary of Performance must be completed in the final year of a student’s high school education. It is intended for postsecondary schools, service providers, and employers, to be used at the student’s discretion. The different organizations may have their own standards regarding the documentation required to establish eligibility. Students may (but are not required to) share their Summary of Performance with colleges, adult agencies, vocational and rehabilitative centers, employers and others.

The Summary of Performance helps organizations identify services and accommodations the student might need in the classroom, the workplace, or the community.

Each Summary of Performance must include information about the student’s academic achievement, information about the student’s functional performance, and recommendations on how to assist the student in meeting his/her postsecondary goals. IDEA does not identify a specific individual responsible for preparing the Summary of Performance. Typically, a student’s special education teacher completes the Summary of Performance when a student exits high school.

There is no mandate in IDEA that requires a meeting to be held to discuss a Summary of Performance, and if a meeting is held, membership at the meeting is not prescribed. Typically, there can be a meeting with the case manager,

student, and parent. If an exit IEP is being held, a Summary of Performance discussion could naturally occur during this meeting.

Performance Indicator

The U.S. Department of Education required states to develop six-year State Performance Plans around 20 indicators, on which data is submitted annually in Annual Performance Reports.

The 13th Performance Indicator relates to transition services for students, and includes eight specific components to determine compliance around transition mandates:

“Performance of youth with IEPs aged 16 and above with an IEP that includes appropriate (1) measurable postsecondary goals, (2) that are annually updated and based upon an age appropriate (3) transition assessment and (4) transition services, including (5) course of study, that will reasonably enable the student to meet those postsecondary goals and (6) annual IEP goals related to the student’s transition services’ needs. There also must be evidence that the (7) student was invited to the IEP team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any (8) participating agency was invited to the IEP team meeting with the prior consent of the parent of student who has reached the age of majority.”

There are eight questions that must be answered in the Transition Plan of a Student’s IEP to satisfy Indicator 13:

1. Are there appropriate measurable postsecondary goals (MPSGs) that address education/training, employment, and as needed, independent living?
2. Are the MPSGs updated annually?
3. Is there evidence that MPSGs were based upon assessment?
4. Are there transition services in the IEP that will *reasonably* enable the student to meet the MPSGs?
5. Will the course of study (in the transition services) *reasonably* enable the student to meet the MPSGs?
6. Are there annual IEP goals related to the transition needs of the student?
7. Is there evidence that student was invited to the IEP?
8. Is there evidence of an invitation to the IEP extended to the representative of involved agency (as appropriate)?

For additional information, go to the California Department of Education Webguide to Transition at <https://www.cde.ca.gov/sp/se/st/>, which includes the document Secondary Transition Planning: The Basics.

(E.C. 56445)
(34CFR §300.305)

(34 CFR 300.321(a)(7))
(34 CFR 300.320(b))
(71 Fed. Reg. 46668, Aug. 14, 2006)
(EC 56390)
(§Sec. 300.305(e)(3))
(20 U.S.C. 1416(a)(3)(B))
(EC 56345(b)(4)(A)-(B))
(EC 56445(a)-(d))
(EC 56345.1)
(EC 56345.1(a)(1)-(3))
(EC 56345.1 (c))
(34 CFR 300.321(a)(6))
(EC 56391)

Chapter 11 – Placement and Services

A Continuum of Options in the Least Restrictive Environment

All individual students with exceptional needs must be provided a free and appropriate public education (FAPE) in the least restrictive environment (LRE). It is the responsibility of the Placer County SELPA to ensure that a continuum of program and service options is available to meet the needs of all students eligible for special education and related services. The intensity of placement and services varies greatly depending upon the severity of each student's disability. This chapter provides summary information about the continuum of services available to students in the Placer County SELPA.

Least Restrictive Environment

It is the policy of each member Local Education Agency (LEA) of the Placer County SELPA that to the maximum extent appropriate, children with disabilities are educated with nondisabled peers. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of the child is such that education in regular classes, with the use of supplemental aids and services, cannot achieve academic progress for the demonstration of educational benefit.

Supplemental aids and services mean 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.

Each LEA shall ensure the following to address the least restrictive environment for individuals with exceptional needs:

1. To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with children who are nondisabled.
2. Special classes, separate schooling, or other removal of individuals with exceptional needs from the regular 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.

Physical Location of Programs

Each member LEA in Placer County SELPA shall ensure that the physical location of the special education programs is chosen to encourage continuing social interaction with nondisabled students. Program location decisions within

LEAs and on a SELPA-wide basis are driven by a commitment to produce continuing social interaction among regular and special education students.

The promotion of positive social interaction between students with disabilities and nondisabled students will guide LEA and SELPA-wide decisions and actions concerning the physical location of special education programs. To maximize social interaction with nondisabled peers, students with disabilities will be placed in facilities that provide access to all school extracurricular activities unless their Individualized Education Programs (IEPs) document reasons that placement in alternative settings is appropriate.

Equal Access to General Education

Each member LEA in the Placer County SELPA shall ensure that individuals with disabilities shall have equal access to regular education activities, programs, services and facilities available to non-disabled children on the regular school site and participate in those activities as appropriate to their needs, through the following assurances:

1. The IEP form shall contain a statement of supplementary aids and services that the student with a disability needs to ensure his/her participation in the general education curriculum.
2. The LEA shall encourage all school personnel to facilitate opportunities for social as well as academic interaction among individuals with disabilities and nondisabled individuals.
3. Each local education agency shall provide school personnel the necessary support to ensure student success such as, but not limited to, in-service training provided to assist staff in meeting the social and educational needs of students with disabilities, current laws, and diversity.
4. Each LEA shall ensure that a pupil will be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized. Such resources may include, but not be limited to, Student Success Teams, early literacy programs, and intervention programs.
5. When a student's IEP team determines that the student requires specialized equipment and/or service, the equipment and/or service shall be provided to the student at his or her classroom site unless the IEP provides documentation that the equipment and/or service is to be provided by an alternative means, as determined by the student's unique needs.

Full Educational Opportunity

The IEP team is the primary decision-making body in determining the individual needs of students and appropriate placement. Every effort is made to ensure that students with exceptional needs have access to state determined frameworks

and standards and have the opportunity to participate in academic and extra-curricular activities. Students are placed in settings based on the needs set forth in their IEP and not solely on the disabling condition, configuration of services, availability of staff, or administrative expediency.

Special Education is specifically designed instruction, at no cost to parents, which meets the unique needs of a child with a disability. Service options include:

1. General Education Classroom: A nondisabled peer instructional setting appropriate for inclusion and access to the core curriculum as determined by the IEP team.
2. Specially designed instruction, referred to as “Specialized Academic Instruction (SAI)” on an individualized education program (IEP), is typically the primary service identified for a student. Specially designed instruction means “adapting, as appropriate to the needs of a child with a disability, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student’s disability; and 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”.
 - a. When SAI is appropriate, the team must also identify the amount of service and the location. A student may have more than one entry on the IEP document for this service when locations or delivery models are different. For example, one service that indicates SAI in general education for 10 hours per week and another service that indicates SAI in a separate class for 5 hours per week.
3. 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, recreations, 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.”

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. For a more complete listing of services described in educational code, see Appendix Summary of Related Services.

4. Intensive Individual Instruction: IEP Team determination that student requires additional support for all or part of the day to meet his or her IEP goals.

Continuum of Services

The SELPA must ensure that a continuum of program options is available to meet the needs of students eligible for special education and related services. The intensity of placement and services varies greatly depending upon the severity of each student's disability. Each LEA (including Placer County Office of Education) maintains specific descriptions of specialized programs operated by their respective LEA, but a brief description of potential options is below.

General Education

To the maximum extent appropriate, children with disabilities shall be educated with children who are not disabled, and removal of children with disabilities from the regular educational environment 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.

Specialized Instruction

Resource Specialist Program (RSP)

Typically, students with mild to moderate disabilities can successfully access and benefit from the general education curriculum with the support of accommodations and specific skills instruction. These students are assigned to general education for the majority of the school day and receive specialized instruction for a portion of the school day from a resource specialist within the general education classroom and/or in a separate classroom

Learning Centers

Students with mild to moderate disabilities may be served in a learning center. In a learning center, a diverse group of educators provides varied levels of instruction and intervention to students, often as part of a tiered school-wide intervention program. The learning center allows for flexibility in service provision; one student may receive instruction for a short, intense period while another may require more extensive support. The purpose of the learning center is to provide students who are being instructed in the general education curriculum with access to strategies, instructional interventions in identified areas of need, and monitoring of progress.

Inclusion

Students with disabilities who are able to achieve their IEP goals and objectives within a general education classroom for the majority of the school day with the support of special education staff may be served in the general education setting.

Special Classes

To accommodate their special needs, students may need specialized instruction for a majority of the day provided in a self-contained special class on either an integrated or isolated site. The focus of these classes varies depending on the needs of the students. Classes include, but are not limited to, the following curricular focuses:

1. General education curriculum with modifications;
2. Alternative life skills curriculum;
3. Therapeutic interventions for students with significant emotional disabilities;
4. Specialized curriculum for students with communication and social skill deficits;
5. Specialized curriculum for students with autism; and
6. Specialized curriculum for students with low incidence disabilities.

State Special Schools

Some students who are visually impaired, deaf, or hard-of-hearing may require a special school such as those operated by the state. These schools may be considered by an IEP team when it has been determined that no appropriate placement is available within the SELPA.

Nonpublic Schools (NPS) and Residential Placement

A few students may need educational programs that are not available within the public schools. Their IEP teams, with parental consent, may place these students into a state certified nonpublic residential or day school.

Summary of Related Service

Related services shall be available when they are necessary for the student to benefit from his or her special education program. Students may receive any one or a combination of related services. These services are usually provided by LEA staff, but when determined necessary by the IEP team, may be provided through another public agency or contract with a nonpublic agency (NPA). Related services include, but are not limited to, the following most common services:

1. Language and speech development and remediation.
2. Audiological services.
3. Orientation and mobility services.

4. Instruction in the home or hospital.
5. Adapted physical education.
6. Physical and occupational therapy.
7. Vision services.
8. Specialized driver training instruction.
9. Counseling and guidance services, including rehabilitation counseling.
10. Psychological services other than assessment and development of the individualized education program.
11. Parent counseling and training.
12. Health and nursing services, including 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.
13. Social worker services.
14. Specially designed vocational education and career development.
15. Recreation services.
16. Specialized services for low-incidence disabilities, such as readers, transcribers, and vision and hearing services.
17. Interpreting services.

Related services do not include a medical device that is surgically implanted, including cochlear implants; the optimization of the functioning of a medical device; maintenance of that device; or the replacement of that device.

Placement Considerations

Administrative Transfers

Student Who Moves from Within California but Outside Placer County SELPA – Interim Placements;

Whenever a student transfers into an LEA from an LEA not operating services under the same local plan in which they were last enrolled in special education services within the same academic year, the enrolling LEA shall provide the pupil with a free appropriate public education, including services, comparable to those described in the previously approved individualized education program, in consultation with the parents, for a period not to exceed 30 days (see Appendix - “Interim Special Education Services”).

The Interim Placement form is completed to reflect the services that will be provided pending the completion of a new IEP document. Within 30 days, the LEA shall adopt the previously approved individualized education program or shall develop, adopt, and implement a new individualized education program. In the latter case, the date of this new meeting will become the new annual IEP date.

Student Who Moved from Within Placer County SELPA:

Whenever a student with an IEP transfers into an LEA from an LEA operating programs under the same special education local plan area (SELPA) of the LEA in which he or she was last enrolled in a special education program within the same academic year, the new LEA shall continue, without delay, to provide services comparable to those described in the existing IEP, unless the parent and the LEA agree to develop, adopt, and implement a new IEP.

If the existing IEP can be implemented as written, immediately adopt the IEP and provide services comparable to those described in the current IEP document. It is recommended that an IEP document be created to reflect the student's new enrollment and implementation of the IEP as written. If the IEP cannot be implemented as written, immediately meet with parents to develop a new IEP document to offer alternative service/programs. If the changes are minor, this may be an amendment to the current IEP. If the changes are substantial, develop a new complete IEP document. The date of this meeting will become the new annual IEP date.

Student Who Moves from Out of State:

Whenever a student with an IEP transfers from an LEA located outside the state to an LEA 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 or guardians, until the LEA conducts an assessment, if determined to be necessary by the LEA. When a student moves into the LEA from another state, all CALPADS data must be entered into the special education electronic data system. A new meeting should be created and the prior IEP attached. The Interim Placement Form may be used to reflect any changes the district is making until the development of its own IEP document.

Inter-district IEP Placements

Within Placer County SELPA, LEAs may enter into agreements whereby one LEA operates a program, class, or service and based on availability, another LEA may refer a student for placement or services. These placements are considered IEP team inter-district placements, not inter-district transfers. Placements made into another district as part of an IEP team referral do not require the parent to apply for an inter-district transfer.

Consideration by the receiving LEA is based on the needs of the student and the availability of space in both the general and special education programs at the school site. Given that the receiving LEA may experience additional costs to

provide the program, the Placer County SELPA Local Plan provides policies and guidelines allowing the receiving LEA to bill the sending LEA for the excess costs of programs for students for whom the receiving LEA provides service. In these types of placements, the following general guidelines apply:

1. A contact person must be identified from each LEA to facilitate and manage these placements.
2. The sending LEA is responsible for all initial and three-year assessments, including Assessment Plans and parent notifications.
3. The sending LEA retains responsibility for conducting all IEP meetings including scheduling, sending the Notice of Meeting to parent(s)/Guardians and other IEP team members, and completing all other necessary documentation. The receiving LEA will send appropriate representatives to the meeting.
4. The receiving LEA will determine whether it can accept the student and based on the services specified in the student's IEP, will negotiate with the sending LEA which services it can and cannot provide. If there are services the receiving LEA cannot provide, the sending LEA is responsible for providing those services.
5. If it is anticipated that space will no longer be available at the beginning of the next school year, the receiving LEA will notify the sending LEA before February 1 of the current school year. The student may continue in the current placement until another appropriate educational placement is available or until the end of the school year, including Extended School Year (ESY) if indicated on the IEP.
6. The receiving LEA will notify the sending LEA if the student is absent for a total of ten days during a three-month period of time.
7. The sending LEA is responsible for and will arrange any specialized transportation.
8. If a parent moves from one LEA to another within the Placer County SELPA, current sending LEA shall notify the receiving LEA and the new District of Special Education Accountability (DSEA) within five days of the residence change. The student may continue in the current placement and a new IEP meeting shall be held by the new DSEA IEP team within 30 days of the change in residence. The new DSEA shall be responsible for transportation during the interim placement.
9. The sending LEA is responsible for all due process hearings and complaints.
10. The receiving LEA shall notify the sending LEA when a student has been suspended.

For additional information on financial agreements and billing of excess costs, please refer to Chapter 26.

Extended School Year Services

Extended School Year (ESY) services are individualized extensions of special education and related services that are provided to a student with a disability

beyond the regular school year. The services provided must be consistent with the student's IEP so that the student will receive FAPE. They are provided by the LEA at no cost to the parent(s)/guardian so that the student may maintain the specific skills they have learned during the school year. ESY services vary in intensity, location, type of service and length of time, depending on the individual student's needs.

Not every student with a disability is entitled to receive ESY services. Rather, students who are determined by their IEP team to need ESY services are entitled to receive them as part of a FAPE. Decisions about ESY eligibility are made individually through the IEP process. ESY eligibility is not limited to nor standardly provided to students with particular types of disabilities or in certain placements.

ESY Guidelines

The need for ESY programming may be addressed at any IEP meeting, although usually at the student's annual IEP meeting. The IEP team shall determine the need for ESY eligibility and specific programming recommendations based on a number of factors, including regression and recoupment.

1. *Regression and recoupment:* Without ESY services, is this student likely to lose skills or fail to recover skills within a reasonable time?
2. *Critical life skills/breakthrough opportunities:* Will a lengthy school break cause significant problems for the student in learning a critical life and/or school skill, or limit progress toward IEP goals related to critical life skills in the next school year?
3. *Interfering behavior:* Will the interruption of programming to address interfering behaviors (e.g., stereotypic, ritualistic, aggressive or self-injurious) targeted by IEP goals be likely to prevent the student from receiving benefit from his/her educational program during the next school year?
4. *Nature and/or severity of disability:* Without ESY services, will the nature and/or severity of the student's disability prohibit the student from receiving benefit from his/her educational program during the next school year?
5. *Special circumstances:* Without ESY services, are there any special circumstances that would interfere with the student's ability to benefit from his/her educational program during the next school year?

Determining the Need for ESY

When considering ESY for any student, the IEP team may consider data collected during the previous year(s) to determine the student's need based on regression and recoupment. For example, after a three-month summer break it is reasonable to expect that, with eight weeks of instruction and re-teaching, the

student should have regained or recouped last spring's performance levels. It is common that the re-teaching time be equal to the length of the break. If data shows that this is not the case, a regression-recoupment problem may exist.

The student's IEP should be the foundation for determining the need for ESY. This can be achieved through ongoing assessment and review of the goals and benchmarks/objectives. The IEP team should review the student's progress, considering a variety of measurements to provide a baseline that documents the regression and recoupment rate, at various points in time. The following is a summary:

During the first 8 weeks (or length of break) of new school year:
Collect data and re-teach. Compare to the Spring data to determine if the student recouped his/her skills from the previous year.
For new students or any student for whom you were unable to gather regression/recoupment data during the first 8 weeks of school
Review data before and after any break from school (e.g., Thanksgiving, Winter or Spring Breaks)
If at the annual IEP meeting, the team determines the need for ESY
Collect additional baseline measurements prior to the end of the school year – at the end of the ESY session – and again at the beginning of the new school year. Begin the cycle again.

In general, re-teaching time should equal to the length of the break (e.g., 1 week break = 1 week re-teaching and then re-test)

Documenting ESY Services on the IEP

Once services are determined as necessary based on data collected and regression/recoupment rate, the IEP must include a description of the services required by the student in order to receive FAPE. ESY services should concentrate on the areas most impacted by regression and inadequate recoupment. These services may look different in ESY than during the regular school year as determined by the IEP team. The decision is not driven by the setting in which the student is educated during the regular school year. LEAs are not required to create programs in order to provide ESY services. An example would be a student who is typically educated in an integrated setting. If the LEA does not provide summer services for non-disabled students, the LEA is not required to create a new program.

Placer County Office of Education (PCOE) Programs

Placer County Office of Education programs are placement options designed for LEA students with significant and specific needs which cannot be met within the LEA/District of Special Education Accountability (DSEA) programs. The determination of appropriate placement options is an IEP team determination, and the need for more intensive and/or more restrictive placement must be documented by the IEP team as part of considering whether to refer a student to a PCOE program.

PCOE programs are located on various school sites/campuses across Placer County, including integrated (on regular LEA elementary, middle or high school) and segregated sites. Programs are currently designed to meet the needs of students with more severe needs, typically in the areas of autism-spectrum disorder, emotional disturbance, deaf and hard of hearing, and multiple disabilities.

PCOE and LEA/DSEA will maintain their commitment to serving students in the least restrictive environment, and PCOE staff will continue to assess throughout the course of a student's placement whether a student's needs can be met by returning to a DSEA program. Discussion regarding where the student's needs can be met occurs at each annual IEP meeting when service options are discussed.

PCOE also provides staff with expertise in areas of low incidence (e.g., visual impairment, deaf or hard of hearing, physical health or orthopedic impairment) or other specializations (e.g., augmentative alternative communication, assistive technology) that are available to support LEA staff with assessments, consultation and/or itinerant services to students.

Service Considerations

Stand-Alone Services

In California, the following are considered stand-alone services:

1. Physical education (including APE);
2. Speech language pathology services;
3. Travel training;
4. Vocational education
5. Transition services, IF provided as "specially designed instruction."

This is based on interpretation of education code, which:

Defines "special education" as "specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, including instruction in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education."

Physical education is defined in the Code of Federal Regulations to include adapted physical education. Therefore, APE can be a stand-alone special education service.

Education code also states that special education includes each of the following, if the services meet the definition of special education:

1. Speech-language pathology service;
2. Any other related service, if the service is considered special education rather than a related service under state standards;
3. Travel training;
4. Vocational education;
5. Transition services may be considered special education IF they are provided as specially designed instruction, or a related service, if required to assist an individual with exceptional needs to benefit from special education.

California education code does not list any other specific related services. There are no other related services listed in California state standards statues/regulations that could be considered special education.

Service Delivery Options

Direct Related Service versus Consultation

When developing the IEP, it is important to understand the difference between direct service, consultation, and collaboration. This is especially true for related services. Direct service and consultation are both delivery models, whereas collaboration is one method often used in providing consultation.

Direct Related Service

For a service to be considered a “direct” service to the student, it must be:

1. Individual, small group, or “push-in” instruction;
2. Provided through face-to-face interaction with the student (either in person or virtually as determined by the IEP team);
3. In a regular and ongoing manner; and
4. Based upon specific IEP goals and objectives that are monitored and updated through data collection.

Direct services are listed on the special education and related services page of the IEP.

Consultation as a Direct Service

Consultation can, when provided in an ongoing and regular manner, also qualify as direct service. This typically occurs when a specialist is providing instruction to classroom teachers and other staff members in the use of modifications, specialized equipment (such as AT or AAC), computer hardware/software, or specialized techniques and programs and the student is included in the instruction. As with other direct services, this type of consultation is listed on the special education and related services page of the IEP and goals that are the primary responsibility of the identified service provider are required. Special education services provided within the general education classroom are included in the calculation of the percentage of the student's time spent in general education.

Consultation as a Support to School Personnel

In most cases, consultation is considered a support to school personnel. In this type of consultation, there is little to no direct contact with the student. Examples of this type of consultation include:

1. Training in appropriate instructional accommodations, modifications, instructional strategies;
2. Provision of information necessary to understand the student's disability and abilities;
3. Provision of resource materials specific to meeting the instructional needs of the student; and
4. Regular meeting of the instructional staff.

When a specialist is providing this type of consultation, specific goals and objectives are not required and the service is listed on the supplementary aids and transportation page of the IEP. Supports to school personnel are not included in the calculation of percentage of time spent in special education.

Exception: When a student receives consultation that does not involve direct instruction to the student and it is the only service provided on the IEP (e.g., DHH, audiology and VI), the service must be listed on the special education and related services page of the IEP and have related goals and objectives.

Indirect Services

Indirect services may involve teaching, consulting with, and/or directly supervising other personnel (including paraprofessionals) so that they can carry out instructional activities. In this scenario:

1. The instructional strategy is designed by the teacher or related service provider (with IEP team input) for an individual student.
2. The teacher or related service provider has regular opportunities to interact with the student.

3. The teacher or related service provider also provides ongoing training, monitoring, supervision, evaluation and other support to staff members and parent(s)/guardians.

Indirect services could include activities such as staff consultation with a regular education teacher on situations resulting from a student's disability; modifying curriculum or the environment for a student; observing a student; monitoring a student's progress in a specific area; or monitoring, problem-solving, programming, or repairing equipment or assistive technology used by a student.

Students' needs are typically addressed through a combination of direct and indirect services. The type of service provided depends upon the individual needs of the student and his/her educational goals. Decisions about direct or indirect service delivery, therefore, are made on an individual, case-by case basis.

Often, certified or trained assistants (such as a Certified Occupational Therapy Assistant, or COTA, or a Speech Language Pathology Assistant, or SLPA) assist in the delivery of related services. In accordance with California state law, regulations, or written policy, the use of paraprofessionals and assistants who are appropriately trained and supervised to assist in the provision of special education and related services is permissible.

Service Delivery in Emergency Conditions

Emergency conditions may include: fire, flood, impassable roads, epidemic, earthquake, the imminence of a major safety hazard as determined by the local law enforcement agency, or a strike involving transportation services to pupils provided by a non-school entity.

The description of the means by which the IEP will be provided under emergency conditions is a required component of the IEP and must be adopted by the IEP team at an IEP team meeting or through an amendment to the IEP. The description of the means by which an IEP will be provided under emergency conditions is an element of the overall offer of FAPE and should help an LEA to plan for how to address the needs of an individual student in an emergency.

Parents/students are required members of the IEP team and thus will be involved in the development of this description through the IEP process. The LEA must obtain consent to the IEP consistent with applicable state and federal law.

Distance Learning

Distance Learning is instruction in an emergency circumstance in which the student and instructor are in different locations. This may include interacting

through the use of a computer and communications technology, as well as delivering instruction and check-in time with the teacher. Distance learning may include video or audio instruction in which the primary mode of communication between the student and instructor is online interaction, instructional television, video, telecourses, or other instruction that relies on computer or communications technology. It may also include the use of print materials incorporating assignments that are the subject of written or oral feedback.

LEAs should develop an emergency plan for distance learning for their students and provide training and professional development for teachers to implement the adopted distance learning strategy as effectively as possible in an emergency scenario. LEAs will need to assess their ability to deliver instruction both in an online setting and also in a non-technological setting, keeping in mind that not all children and families have access to devices or high-speed internet, and that the LEA may not be able to meet the needs of all its students through online instruction.

IEP teams are required to meet when a student demonstrates a lack of expected progress. Additionally, the parent or the teacher may request an IEP meeting at any time to discuss and address any concerns with student access including a lack of resources, or ineffectiveness of the means by which the IEP is being provided under emergency conditions.

Teachers and parents are encouraged to work together to ensure that the student is able to access instruction and that the delivery of instruction is effective. The student's IEP can be changed or amended at any time with agreement from both the parents and the LEA.

During emergency conditions, the U.S. Department of Education (USDOE) does not waive the requirement for LEAs to conduct a full and individual initial evaluation for a student suspected of having a disability, nor will the USDOE waive requirements relating to triennial assessments. Additionally, infant transitions are still in effect and require that an IEP or individual family service plan (IFSP) is developed by the third birthday of a child participating in Part C programs and who will participate in Part B preschool-age programs. The USDOE encourages LEAs to work with parents to reach mutually agreeable extensions of time, as appropriate, if the LEA or parent feels additional time is needed.

Additional Considerations for Students with Disabilities

Students with disabilities are particularly vulnerable, and continuing support from the state's educators is critical during these uncertain times. LEAs that physically close schools should focus their planning efforts on how to serve students on IEPs by tailoring distance learning to provide educational benefits to students with disabilities, to the greatest extent practicable under the circumstances.

While distance learning can provide educational benefit to many students with disabilities, it is important to consider the unique learning needs, accommodations and supports noted in each student's IEP.

Below are some considerations for supporting students with disabilities when implementing distance learning strategies.

1. **Individualized Instruction in Distance Learning Settings:** as each LEA considers options for distance learning, the LEA should generally assess the extent to which its students with disabilities will be able to attain educational benefit under each option. Depending on a student's particular needs and the distance learning options available to the LEA, LEAs may also need to develop individualized plans that are accessible and safe for each student.
2. **Related Services:** to the greatest extent possible, LEAs should continue providing related services consistent with the student's IEP. This may involve providing services on one or more school sites, consistent with safety guidelines and accounting for the health needs of students and staff.
3. **Assistive Technology:** LEAs should also be flexible in providing access to school-purchased assistive technology devices when necessary, consistent with law, to ensure children have access to devices they typically use for learning at school. Care should also be taken to ensure students can access devices that are utilized for virtual learning.

Determining Need for a Special Circumstances Instructional Assistance

Whenever an IEP Team is considering the need for additional instructional assistance for a student, the major factor to be considered is personal independence. First and foremost, the goal for any student with a disability is to encourage, promote, and maximize independence. If not carefully monitored, additional assistance can easily and unintentionally foster dependence. A student's total educational program must be carefully evaluated to determine where support is indicated. Natural support and existing staff support should be used whenever possible to promote the least restrictive environment. A systematic, written plan must be included in the IEP to address how the additional instructional assistance will be monitored and what interventions will be implemented in order to reduce the need for additional assistance.

Categories of Additional Instruction Assistance

There are four general areas within which a student may require additional instructional assistance. These four categories are listed below along with information about what the student's IEP must include for each area:

1. *Health/Personal Care Issues:* When a need for additional support is due to a health care need, a specialized health care plan will need to be developed.
2. *Behavior Support:* When determining the need for additional support as a result of a student's behavioral difficulties, the student's IEP needs to include appropriate goals and objectives. In addition, an Escalation Cycle Management Plan, or if appropriate, a Behavior Intervention Plan should be developed (see Chapter 9 – Special Factors for Behavioral Interventions for more information about developing behavior plans).
3. *Instructional Support:* When determining a need for additional support due to an instructional need, the IEP team must utilize appropriate assessment information to support this recommendation. The IEP must specify how the additional personnel will be utilized to support the teacher in implementing the student's goals and objectives and what attempts will be made to transition to other available classroom resources and supports.
4. *Inclusion/Mainstreaming Support:* When determining the need for additional support due to a need for assistance while participating in an inclusion program or mainstreaming, the IEP team must specify how the additional personnel will be utilized to support the student within a general education environment and what attempts will be made to transition to other available classroom resources and supports.

Collecting Data Regarding a Need for Additional Support

LEAs may utilize a variety of resources or may develop their own formats for collecting information in order to document the need for additional support for a student.

If data suggests that a student may require additional support, the team should review ways to use existing resources and/or staff to meet the student's needs.

The following factors may be considered:

1. The severity of the need;
2. How much individual support is needed, where and when it is needed, and who might be able to assist the student at a "high need" time (consider options related to more effective use of existing staff and other natural supports);
3. Identify any other LEA or SELPA resources, supports, or materials available;
4. For students with behavioral issues, review related IEP goals and any behavior plans; discuss whether additional interventions are needed (e.g., student has behavioral goals but may need a Behavior Intervention Plan);
5. For students with health care needs, review any existing health care plans and determine whether there is a need to involve the school nurse, in consultation with the student's physician, in revising the plan;

6. Throughout the discussion, be cognizant that too much support can become more disabling to a student and that staff should always work toward student independence.

Adding Additional Support to the IEP

If after reviewing all information, there is a need to discuss additional assistance, an IEP team meeting should be convened as soon as possible. The IEP team should review and discuss the following factors:

1. Present levels of academic achievement and functional performance and related goals and objectives specific to the area identified for needed support;
2. Definition of the role of the instructional assistant(s) as well as the role of the teacher and any other service providers interfacing with the student in the educational setting;
3. Strategies for monitoring progress of the student and need for ongoing support;
4. Strategies for fading the additional assistance;
5. Review dates (it is recommended that the team meet every three to six months except for cases of extreme medical need).

In the case of health and safety emergencies, the special education administrator of the LEA providing services may approve immediate additional support and an IEP date should be set as soon as possible for the IEP team to discuss and appropriately document the need.

Specialized Transportation

Definition of Special Education Transportation

Special education transportation is defined in federal regulations as a related service. As a related service, transportation must be provided if it is necessary for the student to benefit from special education instruction and to receive FAPE. The IEP team determines whether a student needs special education transportation. There are two types of transportation for special education students defined in California Education Code:

1. "Special education transportation" is defined as, "The transportation of severely disabled special day class students, and orthopedically-impaired students who require a vehicle with a wheelchair lift, who received transportation in the prior fiscal year, as specified in their individualized education program."
2. "Home-to-school transportation" is defined as, "The transportation of pupils between their homes and the regular full-time day school they attend", which includes "the transportation of individuals with exceptional

needs as specified in their individualized education programs, who do not receive special education transportation as defined above.”

Eligibility for Special Education Transportation

When an IEP team is reviewing the needs of a student with a disability, the IEP team should ask, “*Does the student’s disability make it problematic to get to school in the same manner as non-disabled students?*” The specific needs of the student must be the primary consideration when an IEP team is determining any transportation needs.

Based upon the definitions cited above, the IEP team must determine if a student meets one of the following criteria in order to be eligible to receive transportation as part of the IEP:

1. The student has a severe disability and is enrolled in special day class for students with severe disabilities;
2. The student has an orthopedic impairment and requires a vehicle with a wheelchair lift;
3. The student has any special needs that cause problems in getting to school in the same manner as non-disabled students (e.g., health, behavioral, capacity to avoid dangerous situations);
4. The student lives beyond a reasonable distance to his or her school and would not, without transportation, have access to appropriate special education instruction and related services at no cost;
5. Has other transportation needs such as mid-day trips to another site for community-based instruction.

IEP teams can evaluate the need for special education transportation using the four categories of physical accessibility, mental capacity, medical and health needs, and other transportation needs as described below.

1. **Physical Accessibility:** For a student using a wheelchair, physical accessibility to school is severely limited by physical barriers, such as curbs, narrow sidewalks, and busy streets.
2. **Mental Capacity:** The mental capacity of the student severely limits his/her ability to arrive at school on time, to avoid getting lost, to avoid dangerous traffic situations, or avoid any other potentially dangerous situation on the way to and from school.
3. **Medical and Health Needs:** The use of regular transportation or other means of attending school creates a potential risk to the student in terms of his/her health, e.g., regular bus route is too long and student is prone to tire easily; the distance needed to walk or wheel oneself to school is too long for the student; the student does not have the strength to walk or wheel himself/herself to school; and/or life support equipment is needed for the student.

4. Other Transportation Needs: The student's special education services are not located at the neighborhood school and/or the student needs mid-day transportation for other service needs, such as occupational therapy, physical therapy, mental health services, or community-based classes.

Length of School Day, Related Services, Extracurricular Events

It should be noted that the use of alternative starting times for all special education students at a site might lead to program compliance concerns. Students receiving special education and related services must be provided with an educational program in accordance with their IEP for at least the *same length of time* as the regular school day for their chronological peer group, unless otherwise stated in a student's IEP. If provisions for "early" or "late" transportation are made for students within the general education program due to extracurricular events, provisions for equal opportunity to these events for students with exceptional needs who require special transportation must also be made.

Special Education Transportation Options

Special education transportation options may include, but are not limited to the following:

1. No transportation. Students arrive/leave school in the same manner as non-disabled students when there is no district-provided transportation.
2. Regular school bus transportation. Students use the same regular school bus as non-disabled students when there is district-provided transportation.
3. Regular school bus transportation with modification. Students use same regular school bus as non-disabled students, with an arranged corner stop near student's home or at the end of road leading to the student's home.
4. Public transportation. Students use public transportation, with reimbursement of the cost given to the parents.
5. School to school. Students may walk to the neighborhood school and then be transported to the school where the student's special education services are being provided. Special Education transportation may be provided by a regular school bus, special education transportation bus, or other district-approved transportation provider.
6. School to non-school district service provider. Student may be transported, to and from school to a service provider not located on a school site. Special Education transportation may be provided by a regular school bus, special education transportation bus, or other district-approved transportation provider.
7. Door to Door. Students are provided special education transportation between the student's home, or at the end of road leading to the student's home, and the location of his/her special education services. Special

Education transportation may be provided by a regular school bus, special education transportation bus, or other district-approved transportation provider.

8. A transportation option might also be a parent voluntarily transporting his/her child. If the parent is transporting and being reimbursed, the parent will be paid the rate of reimbursement that is paid to district employees for travel. The IEP should specify the details of this arrangement, including mileage reimbursement rate, the standard daily mileage for which reimbursement will be made, the frequency of reimbursement, and any documentation required of the parents.

For safety purposes when transportation is being provided between home and school on a public school bus, the road that the home is located on must be of appropriate width to allow two-way traffic or have sufficient turnouts to allow safe passage and must be maintained in reasonably good condition. Driveways shall have adequate turn-around space at all times and shall allow adequate visibility for safe entrance and exit of the school bus. If it is determined that there are unsafe conditions, an IEP team will be convened to discuss options.

The IEP should specify the type of special education transportation that the IEP team has agreed will be appropriate for the student.

Participation of Transportation Staff in IEP team Meetings

The case manager should invite transportation staff to participate in IEP team meetings when the student needs the use of adaptive or assistive equipment, when school bus equipment is required to be modified, when the student exhibits severe behavioral difficulties and a behavior intervention plan is to be implemented on the bus, when the student is medically fragile and requires special assistance, or when the student has other unique needs.

Initiating, Changing, or Canceling Transportation Services

Each LEA is responsible for establishing procedures for initiating, changing, or canceling special education transportation services. These procedures must be designed to respond to the requested action in a timely manner to prevent denial of FAPE.

Significant Health Issues

If a student who is eligible for special education transportation has significant health needs of which the bus driver needs to be aware (severe asthma, seizures, hemophilia, etc.), this will be noted on the transportation request. Appropriate health care professionals (e.g., school nurse) should develop an emergency protocol and submit it to the LEA's transportation department, if

required, and the bus driver should be provided with a copy of the emergency protocol. In the event of a health emergency, the driver should follow the protocol established by the LEA.

Discipline

Each LEA is responsible for establishing appropriate procedures for disciplining students receiving special education transportation who violate bus rules, particularly safety rules. If a student repeatedly violates bus rules, an IEP team meeting should be held with the parent(s)/guardian, transportation personnel, administrator(s), teachers and specialists (e.g., school psychologist, behaviorist). During this meeting, if the student has a Behavior Intervention Plan, the team should review the plan and revise it, as necessary. If the student does not have a behavior intervention plan, the team should consider whether one is needed and, if so, develop the plan. Suspension from the bus may be considered at this time.

There may be times when a student may be suspended from special education transportation services. Although a student with disabilities can be suspended from special education transportation services, the student cannot be denied transportation on a permanent basis; an alternative form of transportation may be required if suspension from the bus exceeds 10 days.

For additional information, the Special Education Transportation Guidelines published by the California Department of Education is available at the CDE website at www.cde.ca.gov.

Promotion & Retention, Grading, Graduation, Exiting Special Education

Promotion and Retention

Special Education students are subject to the district-wide policy on retention and promotion. IEP teams are required, however, to specify needed program modifications in each student's Individualized Education Plan. Individual promotion standards may be developed as a program modification when the IEP team determines that they are necessary to meet the student's unique needs.

For a student for whom retention seems likely, an IEP team meeting should be conducted early in the school year to determine the appropriateness of the current placement, services, aids, and interventions; to discuss whether individual promotion standards should be developed; and to revise the IEP if needed. If an individual promotion standard is developed, it should include the criteria for promotion that will be used and how the student's achievement will be demonstrated. Prior to the end of the year, the IEP team should convene to make final recommendations about retention.

Grading

IDEA requires accommodations and modifications as determined necessary by the IEP team for individual students. Additionally, the IDEA requires that LEAs must provide progress reports to the parents of students receiving special education and related services. If a student has received an accommodation, there should be no reflection in the grade since an accommodation does not fundamentally alter or lower the standard or expectation of the course, standard, or test. If modifications have been made to the curriculum of any course, the student's grade may reflect that he or she received a modified curriculum, as long as the use of a modified curriculum is documented in the student's IEP. A student with disabilities may be given a pass/fail grade as long as participation in this grading system is voluntary and is available to all students. A report card should not state that a student is enrolled in special education and related services unless doing so would help the parent or guardian to understand the progress his or her student is making in specific classes, course content, or curriculum.

A student's transcripts may not indicate that the student has received special education and related services. The purpose of a transcript is to inform postsecondary institutions or prospective employers of an individual's academic credentials and achievements. Including an indication of special education and related services does not address the individual's credentials or achievements, but it does single out the student as disabled and constitutes different treatment on the basis of a disability in violation of Section 504. A symbol or code may be used on a student's report card or transcript to indicate that he has had a modified curriculum; however, this type of coding should not be used solely for students with disabilities. The explanation of the symbol or code cannot indicate that the student has a disability or that the student is in special education.

(For additional clarification, see Appendix ---, Letter to Hudler, OCR 2006, 47 IDELR 45)

Alternative to a Diploma-Alternative Diploma Pathway

Students with exceptional needs, who entered ninth grade in the 2022–23 school year or later, attending a school district, county office of education, charter school, or state special school can graduate from high school through a newly

defined diploma by meeting the following criteria as referenced in the student's individualized education program:

The student is eligible to take the California Alternate Assessment, and the student has completed state standards-aligned coursework to meet statewide coursework

requirements.

The student may participate in any graduation ceremony and any school activity related to graduation in which a student of similar grade would be eligible to participate and may continue to participate in their education program through the age of 22.

Certificate of Completion

If a student with a disability does not meet all state and local requirements for earning a high school diploma or the alternative pathway to diploms then the local educational agency may award the student a certificate or document of educational achievement or completion if the student meets any one of the following conditions:

1. The individual has satisfactorily completed a prescribed alternative course of study approved by the governing board of the school district in which the individual attended school or the school district with jurisdiction over the individual and identified in his or her individualized education program; or
2. The individual has satisfactorily met his or her individualized education program goals and objectives during high school as determined by the IEP team; or
3. The individual has satisfactorily attended high school, participated in the instruction as prescribed in his or her IEP, and has met the objectives of the statement of transition services.

If the student meets any one of the requirements listed above, that student "shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a pupil of similar age without disabilities would be eligible to participate."

If a student with disabilities, who is scheduled to earn a high school diploma by the end of their senior year, has not met all graduation requirements, the district is still responsible to provide a free appropriate public education (FAPE) until age 22, even if the student has participated in a graduation ceremony. The IEP team will determine appropriate annual goals and special education supports and related services, and also will determine the appropriate educational setting that will (a) prepare the student to meet all graduation requirements by age 22 or (b) provide the student with functional life skills and vocational preparation until age 22. Should the student and/or parent refuse the offer of FAPE, the student may

exit special education and the LEA must award the student with a certificate of completion.

Exiting a Student from Special Education

Exit Criteria

A student will be exited from special education and related services when services are no longer needed due to one of the following reasons:

1. Following an assessment, it is determined that the student no longer meets the criteria specified in any of the 14 qualifying areas.
2. Following an assessment, it is determined that the student's needs can be met within the general education program with or without accommodations.
3. The student has exceeded age eligibility.

When a student is exited to general education, a plan to facilitate the student's transition to a less restrictive environment will need to be developed, including a plan to assist the receiving teacher.

Dismissal from One or More Related Services

Students who are still eligible for and in need of special education and related services are sometimes dismissed from a particular program or service but continue to receive support from other special education programs and services. This happens most frequently with related services. Following an assessment, the IEP team should consider dismissal from a related service if one or more of the following applies;

1. The area of previously identified need supported by the related service no longer affects educational performance;
2. The student has reached a plateau in his or her progress in the area supported by the related service and the team believes that the student's needs in this area can be addressed in a less restrictive environment or an alternative placement;
3. The student's abilities in the area supported by the related service are now commensurate with his or her overall development;
4. The student's behavior interferes with meaningful participation in the related service, despite attempts to resolve the interference (such as changes to the mode of service, focus of service, setting of service, etc.), and the IEP team believes that the service is not required in order for the student to receive FAPE.

It is important, when initiating a related service to provide information to the parent regarding the criteria that will be used to determine when the service will be discontinued.

Exceeding Age Eligibility

Students are no longer eligible for special education and are exited when they graduate from high school with a regular high school diploma or reach the age of 22 years. It is important to provide the parent(s)/guardians with Prior Written Notice in advance of a student's impending graduation (see *Chapter 2 – Prior Written Notice*).

It is not necessary to conduct an assessment for students exiting under these circumstances, but the IEP team must provide the student with a summary of his or her academic achievement and functional performance including recommendations on how to assist the student in meeting his or her post-secondary goals (see *Chapter 10 – Transition Planning* for more information).

Any student who becomes 22 years of age during the months of January to June, inclusive, while receiving special education and related services may continue his or her participation in the program for the remainder of the current school year, including any extended school year program. If the student becomes 22 years of age in July, August, or September, he or she may not begin a new school year unless the student is in a year-round program and is completing his IEP in a term that extends into the new school year, in which case the student may complete that term. Any student, who becomes 22 years of age during the months of October, November, or December, while receiving special education and related services, shall be exited from the program on December 31 of the current school year, unless the student would otherwise complete his or her IEP at the end of the current school year.

No LEA may develop an IEP that extends these eligibility dates, and in no event may a student be required or allowed to attend school under the provisions of this part beyond these eligibility dates solely on the basis that the student has not met his or her goals or objectives.

Extensive Absences

Students should not be exited from special education and related services based solely upon extensive absences or lack of participation. In cases of chronic and severe absence or nonparticipation that continues after documented normal school site interventions and other procedures to improve attendance have been unsuccessful, the IEP team shall convene a meeting to review additional strategies that can be implemented to improve attendance or participation and implement those that are identified as potentially helpful.

If, after all reasonable interventions have been attempted, the IEP team determines that the student's needs could be met in general education, the team should consider exiting the student.

If, on the other hand, the IEP team determines that the student continues to require special education and related services, the LEA must request a due process hearing unless the parent revokes consent for all special education and related services in writing. The same procedures are used when considering whether to dismiss a student from a particular program or service while continuing to serve the student in other special education programs and/or services.

Re-enrolling Drop-Out Students

A student previously identified as a student with special needs who dropped out of high school may re-enroll in the LEA if the student has not yet met graduation requirements, has not yet received a certificate of completion, has met the requirements for the Alternative Pathway Diploma and is under the age of 22. The LEA will review the most recent IEP, reassess as necessary to update IEP information, and enroll the student in an appropriate placement to receive special education services. For students ages 19-22 an appropriate placement may not be a comprehensive high school, but may include alternative education programs, adult education, community college or other appropriate educational programs. Additional factors for the team to consider when deciding on placement include the length of time the student has been out of school and the number of credits needed to receive a high school diploma.

Revocation of 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 LEA:

1. 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;
2. May not request mediation or due process in order to obtain agreement or a ruling that the services may be provided to the child;
3. 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
4. Is not required to convene an IEP team meeting or develop an IEP for further provision of special education and related services.

The provision of prior written notice and discontinuation of special education and related services must occur in a timely manner, usually within no more than two weeks from the date that the written revocation of consent was received.

Citations:

EC 56360

34 CFR 300.39(b)(3)

E.C. 56363

Tuscaloosa County Board of Education, 35 IDELR 172 [SEA AL 2001]

EC 56031

CFR 300.39(b)(2)

EC 56325

34 C.F.R. 300.324 (b)(1)(ii)

34 CFR 300.106(3)(i)

5 CCR 432(b)(F)(2)

EC 48204

EC 48853.5

EC 56157

5 CCR 3030

EC 56070(a)(3)

34 CFR 300.34(a)

EC 48900-48900.7

EC 48915.5(c)

EC 56026

EC 56001(h) and 56381(h)

EC 56026(c)(4)(A)-(D)

EC 56026(c)(2)-(4)

EC 56381(i) (1)-(2)

EC 56026(c)(4)(A)-(C)

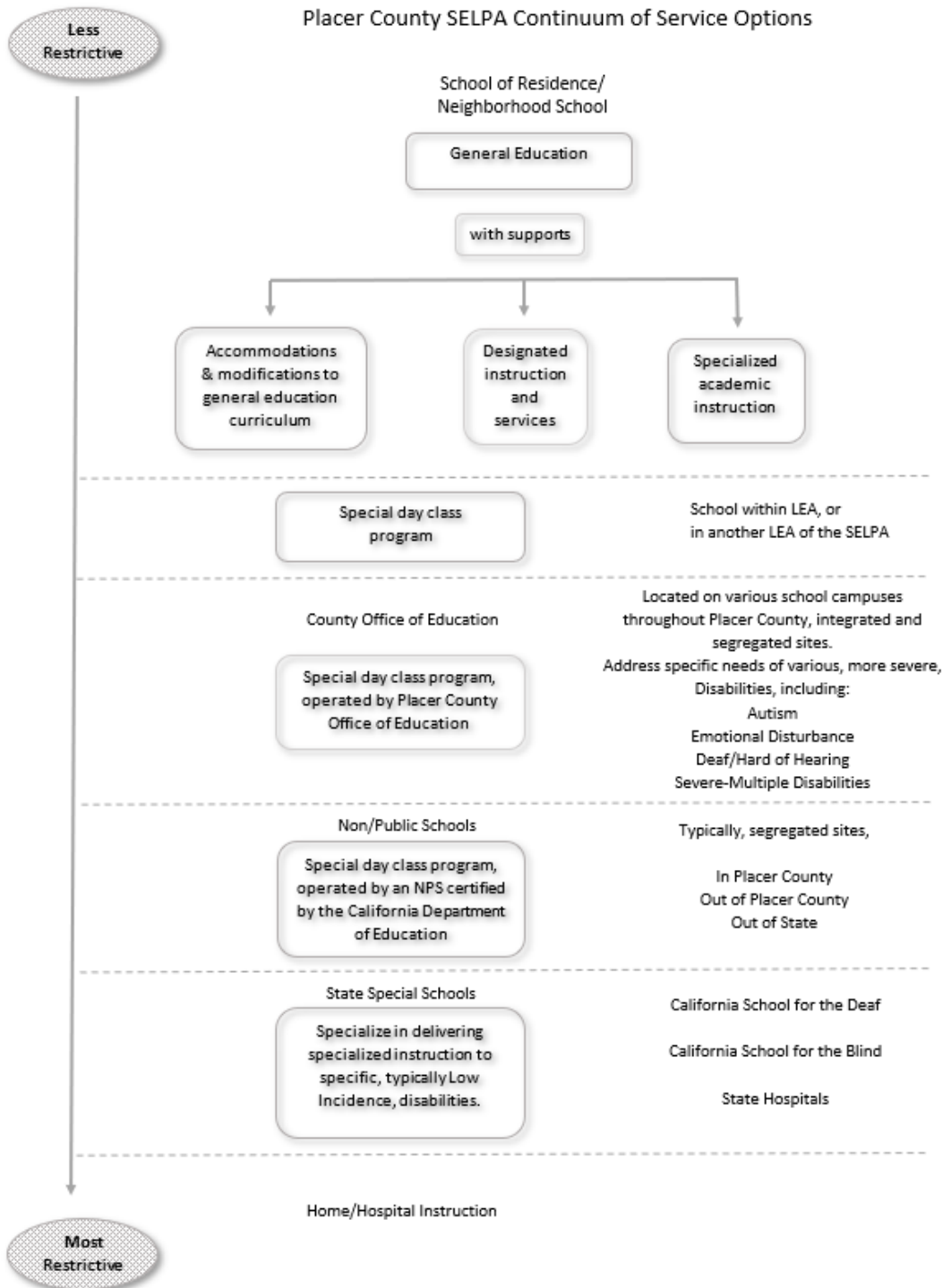
EC 56026(c)(4)(D)

EC 41850(d)

EC 41850 (b)(5)

EC 56391

EC 56390



Chapter 12 – Summary of Timelines

It is of utmost importance that IEP teams follow legally mandated timelines for assessment, development of the IEP, implementation of the IEP, and related processes.

The state holds each SELPA and LEA responsible for ensuring that timelines are followed. Any determination of noncompliance may result in sanctions imposed against an LEA. This summary of timelines is provided for the convenience of IEP team members.

Initial Assessment and Development of the IEP

Response to Referral

The notice of referral, prior written notice in response to the referral, and an assessment plan, as appropriate, must be developed and given to the parent within 15 calendar days of receiving the written referral for assessment unless the parent agrees, in writing, to an extension. This does not count days between the student's regular school sessions or terms or days of school vacation in excess of five schooldays that begin within the 15-day period from the date of receipt of the referral. If the referral is received 10 days or less prior to the end of the regular school year, the notice of referral, prior written notice in response to the referral, and an assessment plan, as appropriate, must be developed and given to the parent within 10 days after the commencement of the subsequent school year.

Notice of IEP Team Meeting

Parents must be notified of IEP team meetings early enough to ensure the opportunity for them to participate.

Individual Education Plan

An IEP required as a result of an assessment of a student shall be developed within a total time not to exceed 60 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. In the case of student school vacations, the 60-day period shall resume on the date that student school days reconvene. However, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year for each student for whom a referral was made 30 days or fewer prior to the end of the regular school year. A meeting to develop an initial IEP for the student shall be conducted within 30 days of a determination that the student needs special education and related services.

The 60-day time period does not apply if either of the following occurs:

1. A student transfers into a new LEA after the relevant time period has commenced in the previous LEA but prior to a determination of whether the child is an individual with exceptional needs and if the new LEA is making sufficient progress to ensure a prompt completion of the assessment provided that the parent and new LEA agree to a specific date by which the assessment shall be completed; and
2. The parent of a child repeatedly fails or refuses to produce the child for the assessment.

Implementation of the IEP

A student's IEP shall be implemented as soon as possible following the individualized education program meeting.

Interim Placement

Whenever a student transfers into a school district from a district in another SELPA, an administrator must provide an interim placement not to exceed 30 calendar days. The IEP team must review the placement before the expiration of the 30-day period.

Review of IEP

At least annually, the student's IEP shall be reviewed. The first annual review should be held within one year of the initial IEP meeting. The second annual review should be held within one year of the first annual review, etc. An IEP meeting scheduled to amend an IEP should not be considered an annual review. The date originally scheduled for the annual review remains the same.

Reassessment and Development of a New IEP

A reassessment of the student shall be conducted not more frequently than once a year, unless the LEA and parent agree otherwise, and at least once every three years unless the LEA and parent agree in writing that a reassessment is not necessary. A reassessment shall be conducted more frequently if conditions warrant or if the student's parents or teacher request a new assessment.

Notice of Reassessment and Proposed Action

The notice of reassessment, proposed action, and assessment plan, if appropriate, must be given to the parents early enough to obtain consent and complete the assessment before the date of the IEP meeting to review the reassessment.

Parent Request for an IEP Team Meeting

A meeting of an IEP team requested by a parent to review an IEP shall be held within 30 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's written request.

Request for Records

The parent shall have the right and opportunity to examine all school records of their child and to receive copies within five business days after a request is made by the parent, either orally or in writing.

E.C. § 56321)(a)
E.C. § 56341.5)(b)
E.C. § 56302.1(a)
E.C. § 56344(a)
E.C. § 56302.1(b)
C.C.R. § 3040(a)
E.C. § 56325(a)-(c)
E.C. § 56343(a)
E.C. § 56380(a)(1)-(2) and (b)
E.C. § 56381(a)(1)-(2)
E.C. § 56341.5 (b)
E.C. § 56343.5

Chapter 13 – Early Start, Part C

Early Start Collaborative

Early Start ensures early intervention services to children birth to 36 months of age with disabilities and their families in a coordinated family-centered manner. Early Start focuses on the infant's or toddler's needs in the context of the family and in the naturally occurring environment for a child of that age.

The Placer County Infant Program provides services for infants in accordance with the statutes and regulations of California's Early Start Program. The provider of these services is the Placer County Office of Education.

An interagency agreement has been developed and is reviewed annually between the SELPA, the participating LEAs, and the Alta California Regional Center. This agreement outlines the process that is used by the involved agencies for identifying, referring, assessing, and serving eligible children. A copy of this agreement can be requested from the SELPA office.

A collaborative effort will continue with all agencies in Placer County to ensure services to infants and their families. The following public agencies within Placer County have provided and will continue to provide services:

1. Alta California Regional Center
2. Early Head Start
3. Placer County Children's System of Care
4. California Children's Services
5. Health and Human Services: Community Health Nursing
6. Warmline Family Resource Center

Agency involvement is a major component of the Infant Program. Ongoing agency participation and involvement is essential to the Infant Program and participating families.

Purpose and Scope

An Individualized Family Service Plan (IFSP – Birth to 36 months) will be developed by a multidisciplinary team to identify the child's needs and plan appropriate services for the child and the family. Local Education Agencies (LEA) will work cooperatively with Alta California Regional Center and the PCOE Infant Program to provide all necessary services.

Identification and Referral

The Placer County SELPA, PCOE Infant Program, LEAs, Alta California Regional Center, and Warmline Family Resource Center will actively and

systematically seek out all children with disabilities from birth to 36 months of age to refer, assess, and determine eligibility for special education services.

Primary referral sources include, but are not limited to: hospitals, including prenatal and postnatal care facilities, physicians, parents, childcare programs, LEAs, Warmline Family Resource Center, Early Hearing Detection and Intervention Centers, California Children's Services, Northern California Hearing Coordination Center, Child Health and Disability Prevention, public health facilities, other social services agencies, and other healthcare providers.

Child find activities may include, but are not limited to:

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 serve culturally diverse populations.

Alta California Regional Center and the PCOE Infant Program 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 LEA's.
4. The requirement that a referral should be made to the regional center or LEA as soon as possible, but in no case more than seven (7) days from identification of an infant or toddler who needs early intervention services.

Alta California Regional Center, the PCOE Infant Program, and LEAs that receive 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 to and consent is requested from the parents.

Early Start Program Scope of Services

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.

Early Start Programs shall include home-based services and may include group services. Home-based and group services will be provided through a transdisciplinary team consisting of the parent and a group of qualified professionals from various disciplines. The frequency of home-based services shall be dependent on the unique needs of the infant and the family to achieve the outcomes.

Evaluation 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 which must include the parent and two or more individuals from different disciplines, one of which must be the service coordinator. 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. A multidisciplinary 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 development
 - e. Emotional development
 - f. 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 the PCOE Infant Program or contractors whose professional preparation, license or credential authorization(s) are specific to the suspected disability.
 8. Regional Centers, LEAs and multidisciplinary teams shall not presume or determine eligibility for medical services provided through the Department of Health Services, or for any other state or local government program or service when conducting evaluations or assessments of infants or toddlers or their families.
 9. Evaluations for eligibility shall be conducted in natural environments whenever possible.

Assessment for Service Planning

Assessment for service planning for eligible infants or toddlers shall identify 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. 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, established risk condition, 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 an assessment tool and 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 native language of the child or other mode of communication unless it is not feasible to do so.

Timeline for Completion of Evaluation and Assessment

The evaluation and assessment for eligibility and development of the IFSP for each child shall be completed within 45 days of the date that Alta California Regional Center or the Placer County Infant Program receives the referral.

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. Two circumstances in which the 45-day timeline would not apply are:

1. The child or parent is unavailable due to exceptional family circumstances.
2. The parent has not provided consent despite documented, repeated attempts.

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.

Eligibility

The term "eligible infant or toddler with a disability" means infants and toddlers from birth through 36 months, for whom a need for early intervention services is documented by means of assessment and evaluation 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 and 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.

A significant difference is defined as a 33 percent delay in one developmental area before 24 months of age, or, at 24 months of age or older, either a delay of 50 percent in one developmental area or a 33 percent delay in two or more developmental areas.

Development of the IFSP

All initial IFSPs shall be developed by Alta California Regional Center and/or the PCOE Infant Program 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.

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 native language of the family 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. The person(s) who conducted the evaluations or assessments (or represented by a conference call).

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 with knowledge of the child or family.

Each IFSP meeting shall include persons who will be providing services to the infant or toddler and family or a knowledgeable representative as appropriate.

Contents of the IFSP

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 development,
 - e. Emotional development, and
 - f. Adaptive development.
2. A statement of the family's resources, priorities, and concerns relating to enhancing the development of the infant or toddler with a disability.
 3. A statement of the developmental and functional 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 towards achieving the outcome(s) is being made and whether modification or revision of the outcome(s) or services are necessary. Functional outcomes are aimed at facilitating the child's engagement, independence, and social relationships.
 4. A statement of the specific early intervention services, based on peer-reviewed research (to the extent practicable), that are necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified.
 5. The projected dates for initiation of services and the anticipated frequency, length, and duration of the services. Length means the length of time the service is provided during each session of that service (such as an hour or other specified time period). Duration means projecting when a given service will no longer be provided (such as when the child is expected to achieve the results or outcomes in his or her IFSP).
 6. A statement on the natural environments in which early intervention services shall appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment. A "natural environment" means settings that are natural or typical for a same-aged infant or toddler without a disability and may include the home or community settings.
 7. The name of the service coordinator.
 8. 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 services to which consent is obtained shall be provided. The service coordinator must provide at no cost to the parents, a copy of each evaluation and assessment of the child, family assessment, and IFSP as soon as possible after each IFSP meeting.

Review of the IFSP

An annual meeting to review the IFSP shall be conducted to determine the infant's or toddler's progress and to revise its provisions. A periodic review of the IFSP shall be conducted every 6 months, or more frequently if service needs change or the parent requests such a review.

The IFSP team will review the degree to which progress towards achieving the outcomes is made and document all modifications and revisions of the outcomes or services as necessary.

Transition Requirements for Early Intervention

To ensure a seamless transition for toddlers receiving Early Start Program services to preschool or other appropriate services, the following coordinated activities will occur:

Coordinator's Meeting

On a monthly basis during the regular school year, representatives from SELPA, the PCOE Infant Program, Alta California Regional Center, and individual LEAs meet to plan for the transition of children receiving Early Start Program services. The service coordinator disseminates non-identifying information only regarding gender, age, medical diagnoses or needs, and current interventions to the receiving LEA. Potential dates and participants (e.g., LEA staff, SELPA Program Specialist, PCOE Program Managers/staff) are identified for an IFSP Transition Planning Meeting.

IFSP Transition Conference

Based on dates identified in the Coordinator's Meeting, the service coordinator schedules and provides notice of an IFSP Transition Conference to occur when the child is approximately 2 years, 6 months of age (no later than 2 years, 9 months).

The purpose of the transition conference is to develop an action plan (delineating activities/steps, who is responsible, timelines) specific to the transition process from the Early Start Program to preschool or other appropriate services. This includes the steps to prepare the toddler for changes in service delivery and to help the toddler adjust to, and function in, a new setting. The service coordinator is responsible for obtaining a signed "Authorization for Release of Information" between the current agencies involved and the receiving LEA prior to sharing of student specific information. At the meeting, a copy of the current IFSP developed with LEA's participation is shared with the LEA. The service coordinator chairs the meeting and ensures that all representatives, including the

parents, actively participate in considering the student's needs and potential referrals, information for planning, and resources appropriate for the child.

At the IFSP Transition Conference, the team should discuss the assessment process and timelines with the parent. It is the LEA's responsibility to conduct the eligibility assessment and meet to review this information prior to the child turning 36 months of age.

In the case of children with low incidence disabilities (e.g., vision impairment, hearing impairment, orthopedic impairment), PCOE low incidence providers will collaborate with the LEA's assessors in sharing information for the assessment process and in proposing potential goal areas. It is the LEA's responsibility, however, to prepare written assessment reports and to develop proposed goals for the IEP meeting.

Notification/Referral

At least 90 days prior to the child's third birthday, the Early Start Program must make a referral of the student to the LEA.

If Part C eligibility (birth to 3 years) is determined more than 45 days but less than 90 days before the child's 3rd birthday, and the child may be eligible for services under part B, the service coordinator must notify the LEA as soon as possible after determining eligibility under Part C.

If a child is referred with fewer than 45 days before the child's 3rd birthday, and the child may be eligible for services under Part B, with parental consent, the service coordinator must notify the LEA, but no eligibility determination under Part C is required.

In the state of California, all students receiving Early Start services are "potentially eligible" for special education and related services at age three, therefore, all children must be referred to Part B services.

Evaluation and Assessment

Assessments will be conducted by a transdisciplinary team which may include an early childhood specialist, speech and language pathologist, school psychologist and other 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.
5. Assessing children in the language normally used by the child.

When standardized tests are considered invalid for the child's identified age, alternative means will be utilized (e.g., scales, instruments, observations, and interviews) as specified in the Assessment Plan.

Initial IEP Meeting

The LEA will schedule, notice, and hold an IEP meeting before the child's third birthday that ensures transition to a preschool program, if the child is eligible, so that the child is in his/her preschool program on his/her third birthday. An invitation to the initial IEP team meeting shall be sent to the service coordinator, or other representatives of the Early Start Program, at the request of the parent, to assist with the smooth transition of services.

Chapter 14 - Parentally Placed Private School Children with Disabilities

Parentally Placed Private School children with Disabilities

Private school children with disabilities are children ages 3-22 who are eligible for special education and related services and are voluntarily enrolled by their parents in private schools or facilities that meet the definition of “elementary” or “secondary” school. Private school children with disabilities do not have individual rights to receive some or all of the special education services that they would receive if enrolled in a public (or publicly funded) program.

Federal law states that children with disabilities aged 3 through 5 who are enrolled by their parents in private schools are considered to be “parentally placed” if the private preschool or day-care program meets the definition of “elementary school”.

Federal law states that children with disabilities aged 3 through 5 who are enrolled by their parents in private schools are considered to be “parentally placed” if the private preschool or day-care program meets the definition of “elementary school.” Equitable services provisions apply and children this age should be served through an Individual Service Plan or ISP.

Children aged 3 through 5 who are parentally-placed in a private school that does not meet the definition of elementary school are not considered parentally placed private school children with disabilities. These students must be served through an IEP, not an ISP. These students must also be actively enrolled in a public school for appropriate reporting to CALPADS. When a child with an IEP turns 6 years of age, the IEP team must convene to offer an ISP if the parents choose to continue enrollment at the private school.

The federal regulations define “Elementary school” as “a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.” While California law does not have a uniform definition of elementary school, California’s Education Code indicates that kindergarten (including transitional kindergarten or TK) is considered elementary education. Therefore, the equitable services provisions apply to a student with a disability age 3 to 5 enrolled by their parents in a private school that offers not only preschool but also any of the grades TK or above.

A school district is not required to pay for the cost of special education and related services of a child with a disability at a private school or facility if it made an offer of a Free and Appropriate Public Education (FAPE) available and the parents elect to place their child in the private school. Pursuant to federal and

state laws and regulations, however, each district must spend a proportionate share of federal grant funds allocated under Part B to provide special education and related services to students with disabilities who are eligible for special education services and are enrolled in private school located within the district boundaries.

Provision of these special education and related services to private schools will be limited to those services selected by participating LEAs within the SELPA following consultation with private school representatives and representatives of parents of parentally placed private school children with disabilities.

Consultation Regarding Needs Assessment

Annually, the Placer County SELPA will contact all private schools located within the SELPA boundaries and request their input via questionnaire regarding the disability specific needs and types of services their students receive or may potentially benefit from.

The participating LEAs within the Placer County SELPA shall also invite private school representatives and representatives of parents of parentally-placed private school children with disabilities annually to a meeting designed to provide input and consultation regarding the design and development of special education and related services for these students. This meeting will be hosted by the Placer County SELPA and will include information and discussion regarding:

1. The child find process, including the criteria for special education eligibility and the special education referral process under federal and state law.
2. The determination of the proportionate amount available to serve parentally-placed private school children with disabilities and how the amount was calculated.
3. The consultation process among the SELPA, LEAs, private school officials and parents including how the process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the Child Find process can meaningfully participate in special education and related services.
4. How, where and by whom special education and related services will be provided for parentally-placed private school children with disabilities and how those decisions will be made. The consultation will include:
 - a. Which students will receive services
 - b. What services will be provided
 - c. How services provided will be evaluated
5. How disagreements regarding the provision or types of services will be resolved.

If a representative of a private school cannot attend the meeting to develop, review or revise a services plan, the LEA shall use other methods to ensure

participation by the private school, including individual or conference telephone calls. The Placer County SELPA or LEA will ask each attendee to sign an affirmation that they attended the consultation meeting and/or reviewed this information.

Child Find, Identification, Referral and Assessment

LEAs are required to locate, identify, and assess all private school children with disabilities, including religiously affiliated school age children, who have disabilities and are in need of special education and related services attending private schools in the service area of the districts where the private school are located. The cost of carrying out child find activities cannot come from the proportional share of federal dollars allocated for private school services. Child-find activities for students enrolled in private schools must be comparable to those undertaken for students enrolled in public school (see *Chapter 3 – Identification and Referral* for a general discussion of Child Find activities in Placer County SELPA).

The procedures outlined previously for identification, referral, and assessment shall be followed when considering parentally placed private school students for special education eligibility. Although both the District of Special Education Accountability (DSEA) and the District of Location of the private school (DOL) are responsible for Child Find provisions, Federal and State law mandate that the DOL implement the legal requirements for students with disabilities who are parentally placed in private school. The DOL is the district that reports the student to the State data system, CALPADS. It is recommended that the DSEA and DOL work together to ensure both parties are involved in the process and that all steps are appropriately completed. For parentally placed private school students, parental consent must be given prior to sharing student identifiable information between LEAs. The district of location and the district of accountability may enter into an agreement that, with written parental consent, allows the district of accountability to collaborate with the district of location in the initial evaluation or to conduct the initial evaluation.

The procedures outlined in this policy shall be followed by the LEAs in the Placer County SELPA. If the DSEA or the DOL are not members of Placer County SELPA, additional collaboration between LEAs may be required to determine roles, responsibilities and timelines since both share Child Find responsibilities.

If a child, who has been receiving special education as part of their enrollment in public school, is subsequently enrolled by the parents in a private school, it is recommended that the LEA/District of Special Education Accountability provide written notification to the parent/guardian(s) specified in the **Notice of Procedural Safeguards** (see Sample Letter – **Unilateral Placement in a Private School**).

Free and Appropriate Public Education

The district that conducted the assessment must convene a meeting to determine eligibility for special education and related service. Representatives from the student's DSEA shall be invited to participate in this meeting. If the parents express an interest in enrolling their eligible child in a public or publicly funded program, the student's DSEA must provide an offer of FAPE through the development of an IEP (Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools, Office of Special Education and Rehabilitative Services, January 1, 2007, 47 IDELR 197, Questions E-2). An offer of FAPE is not necessary if the parent does not express an interest in public school enrollment. It is best practice for the DSEA to provide parents with a Prior Written Notice (PWN) indicating that an offer of FAPE will be developed upon request.

Individual Service Plan

If the parents agree that a FAPE can be made available to their child if enrolled in a public placement, but decline public placement, the DOL will document the parents' agreement that FAPE was made available and develop an *Individual Service Plan* (ISP). The DOL has limited responsibilities for providing related services to students unilaterally enrolled in private schools by their parents. This means that a student may receive some related services but he or she may receive a different, and significantly smaller, amount than a child with a disability in a public school. The service(s) that the LEA/DOL provides the student will be written in a service plan, not an Individualized Education Program (IEP) plan. It is the DOL's responsibility to make sure a representative of the private school attends in person, or by other means, each meeting to develop an Individual Service Plan. To the extent appropriate, the ISP must be developed in accordance with IEP requirements. The district of location is responsible for offering the ISP and providing for any agreed upon services.

Supports and Services

Services provided through an ISP shall be provided by employees of the DOL or through contract by the LEA with an individual, association, agency, organization or other entity certified as Non-Public Agency by the California Department of Education.

Special education and related services provided through an ISP, including materials and equipment, shall be secular, neutral and non-ideological.

If special education services are provided at a location other than the student's private school, the DOL may provide transportation if it is necessary for the student to benefit from the offered services. The cost of transportation may be

included in calculating the proportional costs allowed for the provision of special education services.

Any specialized equipment provided to benefit private school children with disabilities shall remain the property of the SELPA and/or the DOL and must be able to be removed without remodeling the private school facility. It shall be returned to the DOL when no longer required by the student, the student is no longer enrolled in the private school, or removal is necessary to avoid unauthorized use.

The DOL does not have the responsibility to develop/continue an ISP if:

1. The proportionate share of federal funds has been expended
2. The student's needs do not fall within the LEA guidelines for service.

Annual Follow-Up

If a private school child with disabilities remains in a private school placement in subsequent years, the District of Location providing the service will contact the child's parents annually to schedule an ISP team meeting to review the child's ISP. Additionally, the District of Location will conduct reevaluations of a private school child with a disability if conditions warrant reevaluation or if the child's parents or teacher request a reevaluation, but at least once every three years following the procedures outlined in the *Procedural Guide* section of this chapter.

Districts are not required to prepare an annual IEP for pupils enrolled by their parents in private schools unless a parent requests that an IEP be developed.

Three-year Reevaluation for Parentally Placed Private School Students with Disabilities

Parentally placed private school students who have previously been identified as having a disability whose parents have declined special education services are also required to be offered a reevaluation every three years, but if parent consent for the evaluation is denied, the district is not obligated to initiate a due process hearing regarding the issue of assessment. (Documentation of the district's proposal to conduct a three-year reevaluation for such children must be kept on file.)

The same procedures should be used for private school students as are employed for students with disabilities attending public school to determine the scope of reevaluations, for conducting the reevaluations, and for writing a three-year reevaluation report.

If the parents consent to reassessment, the DSEA and DOL should convene an IEP meeting to determine continued eligibility for special education and related

services. If parents request the development of an IEP, the DSEA must prepare an offer of FAPE to be received in the public schools.

If the student continues to be eligible and the parents wish to continue the enrollment of their child in a private school the parents and the District of Columbia will develop an ISP.

Annual Notice of Availability of FAPE

After a private school child has been determined eligible, and annually thereafter (either at the beginning of each new school year or coinciding with the date of determination of initial eligibility for special education), the DSEA will notify the student's parents in writing of the student's ongoing eligibility and of the continuing availability of FAPE. Included in the notice will be a statement informing the parent that the district will develop an IEP if the parents express an interest in returning their child to a public (or publicly funded) program.

If the parents of a private school child with a disability indicate their interest of enrolling the child in public school and receiving special education services through an IEP, the DSEA is responsible for developing an IEP that offers FAPE in the public schools.

DOL and DSEA may not share information regarding a student without a release of information signed by the parent or guardian.

Parents' Rights and Procedural Safeguards for Parentally Enrolled Private School Students with Disabilities

Parents of parentally enrolled private school students are to be provided with a complete copy of the SELPA's parents rights document upon initial referral for evaluation, at the time each annual review ISP meeting is provided, or when a reevaluation is to be conducted.

Parents of parentally enrolled private school students with disabilities do not have the right to request a due process hearing regarding the provision of services offered through a Private School Services Plan.

Due Process and Complaints

Parents/guardians will be informed that as long as they continue to place their child in a private school their rights for due process are limited. An LEA is NOT required to pay for the cost of educating a child with a disability at a private school (including special education and related services) if the LEA made FAPE available to the child and the parents voluntarily elected to place the child in a private school. No parentally placed private school child with a disability has an

individual right to receive some or all of the special education and related services that he/she would receive if enrolled in a public school.

Disputes regarding whether an LEA made FAPE available to the child via the IEP process, as well as disputes about identification and evaluation of parentally placed private school children with disabilities, may be resolved pursuant to due process procedures specified in the **Notice of Procedural Safeguards**. Due process procedures DO NOT apply to disputes regarding provision of services specified in the ISP.

Parents/guardians have the right to file a complaint alleging a violation by the SELPA or LEA in implementation of state or federal law on any other issue, according to complaint procedures specified in the **Notice of Procedural Safeguards**.

Private schools may submit a complaint to the California Department of Education if they believe that the district did not:

1. Engage in meaningful and timely consultation.
2. Give due consideration to the view of the private school official.

Record Keeping

Placer County SELPA utilizes the Siras System to provide a mechanism for tracking students on ISPs, and also for students served in programs outside the district of accountability. In order to ensure an organized and articulated process within the SELPA, the following guidelines are in place:

1. The DOL will maintain the student record in Siras. This will allow the DOL to generate the ISP and to update any new information in the student record. The DOL will add a DSEA staff member as a service provider. This allows the DSEA to track the student so that an offer of FAPE can be provided on an annual basis.
2. Since the student is now attending a program in the DOL, which may be outside the DSEA, the DOL will hold and maintain the cumulative record. This will allow the DOL to have relevant information to offer an appropriate ISP.

Transfer of 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, within five working days.

Whenever a pupil transfers from one LEA to another or to a private school, or transfers from a private school to a school district within the state, the pupil's permanent record or a copy thereof shall be transferred by the former LEA or private school upon a request from the district or private school where the pupil intends to enroll. Any LEA requesting such a transfer of a record shall notify the parent of his or her right to receive a

copy of the record and a right to a hearing to challenge the content of the record.

Calculating Proportionate Share

The proportionate share of federal funds that must be expended by each LEA is calculated annually based upon the percentage of all children with disabilities within the LEA, age 3 through 21 years, enrolled in elementary and secondary schools. These funds are restricted to services provided to private schools in supporting students who have ISPs. Funds not expended in a fiscal year can be carried over in the next fiscal year.

The chart below details how the proportionate fund is calculated. This calculation is completed for each LEA individually.

Line	Eligible Children
1	Number of eligible children with disabilities in public school in the LEA (from previous year's census count)
2	Number of parentally placed eligible or assessed children with disabilities attending private elementary and secondary schools located within the LEA (CALPADS Plan Type 200 or 700; ages 6-21; from previous year's CALPADS census count)
3	Total number of eligible children (line 1+ line 2)
	Calculation of Proportionate Share
4	Federal Local Assistance fund (611 Grant) allocated to LEA
5	Average allocation per eligible child (line 4 divided by line 3)
6	Amount to be expended on parentally placed private school children (line 5 multiplied by line 2)

Each LEA is responsible for tracking its expenditures for serving students enrolled in private schools. These expenditure reports are collected at the SELPA level and must be submitted to the state as part of the annual expenditure report for federal IDEA funds. Expenditures should be tracked using SACS.

CITATIONS:

E.C. § 56170

20 U.S.C. § 1412(a)(10)(A)(iii)

E.C. § 56174.5(a)

20 U.S.C § 1412(a)(10)(A)

E. C. § 56173

20 U.S.C. §1412(a)(10)(A)(iii)

E.C. 56174.5(b)

E.C. § 56171

20 U.S.C. § 1412(a)(10)(A)(iii)

20 U.S.C. § 1412(a)(10)(A)(iii)

E.C. § 56171
34 C.F.R. § 300.451
34 C.F.R. § 300.452
34 C.F.R. § 300.137 (2)
EC 3024 (a)
EC 49068

Chapter 15 – Student Records

Family Educational Rights and Privacy Act (FERPA)

Under *Family Educational Rights and Privacy Act (FERPA)*, parents have the right to inspect and review their children's education records and seek to amend them in certain circumstances. Access to the records must be granted no later than five business days following the date of the request. In addition, an educational agency subject to FERPA may not have a policy or practice of disclosing education records without the written consent of the parent or eligible student (see *Joint Guidance on FERPA and HIPPA in Appendices*).

Definition of Student Records

Student records include any information related to an identifiable student (other than directory information) which is maintained or required to be maintained by any employee in the performance of his/her duties whether recorded by handwriting, print, electronic files or microfilms, or other means. Student records do not include informal notes about a student that a school district employee keeps for private use and does not reveal to any other person except a substitute teacher.

All student records are classified as mandatory permanent, mandatory interim, or permitted. Mandatory permanent student records include directory information, enrollment and exit dates, transcripts, etc. Most special education student records are classified as mandatory interim records while some are classified as permitted student records. Regulations governing access, transfer, and destruction of records vary according to their classification. Therefore, school districts must protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.

Types of Records – Mandatory Interim

The following documents are classified as mandatory interim:

1. Expulsion orders and reasons;
2. Log or record identifying persons requesting information from the record (excluding authorized school personnel);
3. Health information;
4. Participation in special education programs including required tests, case studies, authorizations and action necessary to establish eligibility for admission or discharge;
5. Language training records;
6. Progress slips and/or notices required by Education Code;
7. Parental restrictions regarding access to directory information or related stipulations;

8. Parent or adult student rejoinders to challenged records and to disciplinary action;
9. Parent authorization or prohibitions of student participation in specific programs; and
10. Results of standardized tests within the preceding three years.

Type of Records- Permitted

The documents below are classified as permitted:

1. Objective counselor/teacher ratings;
2. Disciplinary notices and data;
3. Verified reports of relevant behavior patterns;
4. Standardized test results older than 3 years; and
5. Supplementary attendance records.

Personal Notes

Personal notes which remain the sole possession of the maker and which are not accessible to any other person do not constitute part of a pupil's record.

However, the moment any of these notes (sometimes called "personal memory aids") are shared with another, they become part of the pupil's record (Permitted Pupil Records) and all procedures for access, storage, and/or destruction apply. Informal notes, including confidential mental health/counseling notes, are subject to subpoena if they are the basis for any evidence in a hearing or court.

Confidentiality

It shall be the policy of the SELPA 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.

Each LEA must protect the confidentiality of all special education student records. The following procedures should be followed:

1. Assign one official at each district/school the responsibility for serving as the custodian of records (a program administrator, designated by the superintendent - typically a principal, program manager, coordinator or director);
2. Maintain student records in a controlled and protected location;
3. Maintain for public inspection a current list of names and positions of those employees who have routine access to student files;
4. Maintain an access log in each student's file that is open to the inspection of a parent and school officials; the log must contain the name of the

- requesting party, the legitimate interest of the party, the date of access, and the purpose;
5. Maintain a record indicating when records have been requested and forwarded to other agencies; and
 6. If student records are maintained in more than one location, the central file must contain information indicating that a file exists in another location and specifying how to request access to that file.

Access to Records

Access means a personal inspection and review of a record, an accurate copy of a record, or an oral description or communication of a record. Those granted access are prohibited from releasing information to another person or agency without written permission from the parent or legal guardian (if the student is 18 or older, the right of consent belongs to the student unless a conservator has been appointed). State and federal laws provide for access to records as outlined below.

Parent Access

Parents of current and formerly enrolled students have the absolute right to access all student records related to their child that are maintained by the school district. They must be notified, in writing, of their rights to inspect and review the school records of their students. This notification must be provided at the time of initial enrollment and annually thereafter. Schools shall take reasonable steps to ensure parents and guardians are properly notified in English and their home language. Notice should contain the following specific information:

1. The types of records and information contained therein;
2. The position of the official responsible for the maintenance of each type of record;
3. The location of the log or record required to be maintained;
4. Criteria used by the district to define “school officials and employees” and in determining “legitimate educational interest”;
5. The policies of the district for reviewing and expunging records;
6. The right of the parent to access student records;
7. The procedures for challenging the content of student records;
8. The cost, if any, charged to the parent for reproducing copies of records;
9. The categories of information that the institution has designated as directory information;
10. Any other rights stated in the California Education Code and the right to file a complaint with Department of Health, Education and Welfare (HEW);
11. Notice of all locations where copies of the policies and procedures regarding the General Education Provisions Act and confidential student records may be obtained; and

12. The right to inspect and review also includes responses to reasonable requests.

Parents may request explanations and interpretations of the records and have the right to have a representative inspect and review the records. The parent must make the request in writing. Access in the format requested by the parent must be provided within 5 business days of the request. The request is given to a certificated staff member who interprets the records where necessary. Even though records from physicians may be stamped "Confidential" or a psychologist's report contains sensitive or potentially upsetting information, the parent or eligible student has full rights of access.

Mandatory Access

The individuals and/or agencies listed below must be provided with access to student records without written parent consent:

1. Natural parents, adoptive parents or legal guardian of student younger than age 18 or dependent student age 18 or older (within 5 business days of request);
2. Parents of a student 18 years of age or older who is a dependent (conserved);
3. A student 16 years of age or older or having completed the 10th grade who requests access;
4. School officials and employees for legitimate educational purposes;
5. School Attendance Review Board (SARB) members who are authorized representatives of the school district;
6. Officials and employees of other public schools or school systems, including local, county, or state correctional facilities, where educational programs leading to high school graduation are provided or where the student intends to or is directed to enroll, subject to the rights of parents as provided in E.C. § 49068 (a copy of the key records should be retained when these transfers occur including, at a minimum, student's last full IEP and related amendments and last full psycho-educational assessment);
7. Authorized representatives of the Controller General of the United States, the Secretary of Education, and state and local educational authorities, or the United States Department of Education's Office for Civil Rights, if the information is necessary to audit or evaluate a state or federally supported education program, or in connection with the enforcement of, or compliance with, the federal legal requirements that relate to such a program;
8. A judge or probation officer for the purpose of conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (the judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes and a school district releasing student information to a judge or probation

- officer shall inform or provide written notification to the parent or guardian of the student within 24 hours of the release of the information);
9. A district attorney's office for consideration against a parent or guardian for failure to comply with the Compulsory Education Law;
 10. A probation officer, district attorney, or counsel of record for a minor for the purposes of conducting a criminal investigation or an investigation in regard to declaring a person a ward of the court or involving a violation of a condition of probation;
 11. A county placing agency when acting as an authorized representative of a state or local education agency pursuant to item 7 (school districts, county offices of education, and county placing agencies may develop cooperative agreements to facilitate confidential access to and exchange of the student information by email, facsimile, electronic format, or other secure means);
 12. A designated peace officer, upon request, when a proper police purpose exists for information specific to a particular student's identity and location that relates to the transfer of that student's records to another school district within this state or any other state or a private school in this state (the designated peace officer or law enforcement agency shall show the school district that the peace officer or law enforcement agency has obtained prior written consent from one parent, or provide information indicating that there is an emergency in which the information is necessary to protect the health or safety of the student or other individuals, or that the peace officer or law enforcement agency has obtained a lawfully issued subpoena or a court order); and
 13. In compliance with a court order or a lawfully issued subpoena, the school district shall make a reasonable effort to notify the parent or legal guardian and the student in advance of compliance with a lawfully issued subpoena and, in the case of compliance with a court order, if lawfully possible within the requirements of the order

Permitted Access

The individuals and/or agencies from the list below may be permitted access to student records without written parental consent:

1. Appropriate persons in connection with an emergency if necessary to protect the health or safety of the student or others;
2. Agencies or organizations in connection with students applying for or receiving financial aid but only as may be necessary to determine the eligibility of the student for financial aid, the amount of the financial aid, and to determine the conditions that will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid;
3. County elections official, for the purpose of identifying students eligible to register to vote, and for conducting programs to offer students an opportunity to register to vote;

4. Accrediting associations in order to carry out their accrediting functions;
5. Organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if the studies are conducted in a manner that will not permit the personal identification of students or their parents by persons other than representatives of the organizations and the information will be destroyed when no longer needed for the purpose for which it is obtained and the organization enters into a written agreement with the LEA that complies with federal regulations;
6. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll (to mandatory interim and permitted student records only and a copy of the key records should be retained when these transfers occur including, at a minimum, student's last full IEP and related amendments and last full psycho-educational assessment); and
7. A contractor or consultant with a legitimate educational interest who has a formal written agreement or contract with the school district regarding the provision of outsourced institutional services or functions by the contractor or consultant.

If an agency or person is not included, the above access can only be granted through written permission. Such permission must:

1. Specify the nature of the information to be released; and
2. Specify the purpose for which the information is released

In addition, the recipient must be informed of, but need not acknowledge in writing, restrictions upon further release to another agency or person without specific written authorization.

Challenging Content of Student Records/Amending Student Records

Following an inspection and review of a student's records, the parent/guardian of a student may challenge the content of any student record, which they allege to be:

1. Inaccurate;
2. An unsubstantiated personal conclusion or inference;
3. A conclusion or inference outside the observer's area of competence; or
4. Not based on the personal observation of a named person with the time and place of the observation noted;
5. Misleading;
6. In violation of the privacy or right of the pupil.

Procedures for challenging the content(s) of a pupil record are developed and implemented specifically by each Superintendent and LEA.

Safeguards

One official at each agency (school) must assume responsibility for ensuring the confidentiality of any personal identifiable information. All persons collecting or using personally identifiable information must receive training or instruction regarding the state policies and procedures as stated in the annual program plan. Each agency (school) must maintain for public inspection a current list of names and positions of those employees who have access to personal identifiable information.

Location of Pupil Records

Records for each individual pupil shall be maintained in a central file at the school attended by the pupil. When records are maintained in different locations, a notation in the central file as to where such other records may be found is required.

Following are the procedural guidelines:

- All confidential records must be kept in a locked location.
- An access log must be kept in each file.
- The access log must indicate when and who access was given plus when and to who records were sent outside the district.
- A list of district personnel who routinely have access to student files must be posted in the room in which files are located.
- All others must be identified in the file log prior to accessing the file.

Special Education information and material to be included in the student record file:

- Copies of IEP's, less than or equal to three years old.
- Assessment plans and reports, less than or equal to three years old.
- Communication to and from parents, including all mandatory information, less than or equal to three years old.
- Transition plans (included as necessary).
- Behavior intervention plans (included as necessary).
- Last district annual or triennial, even if older than three years.
- Last district psycho-educational report.

Transfer of Records

Confidential records and/or information may be transferred between public schools and public school districts within the state of California without written permission by parent, guardian or student over 18 years of age. Records may be transferred by facsimile or through a secure email or secure online connection to appropriate personnel.

Transfer of confidential records and/or information to a public school or district outside the state does require written consent of parent, guardian, or student over 18 years of age. Transfer of confidential records and/or information to a private school or any private or public agency or other individual does require the written consent of the parent, guardian, or student over 18 years of age.

Log of Request for Information

All requests of individuals or agencies, with the exception of other school officials and parents, must be recorded in a record or log of requests for information. The log or record must be open to the inspection of a parent and the school officials. 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.

Transfer of Special Education Records

Special Education student records are mandatory to:

- California Public Schools
- California Private Schools
- Out-of-state Public Schools
- Out-of-state Private Schools

A copy of the records should be retained when these transfers occur. A minimum recommendation for records that should be retained is:

- Parent permission for assessment
- Parent permission for placement
- Evaluations (i.e., medical, psychological, educational)
- Current individualized educational plan

Consent to Release Student Records

- A district-to-district record transfer does not have to be in writing.

- 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 of the eligible student.
- 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, if such persons have a legitimate interest in the information.
- Whenever a student reaches the age of 18 years or is attending an institution of post-secondary education, the permission or consent required of, and the rights afforded to the parents or guardian of the student shall thereafter only be required to the student – unless a court of competent jurisdiction has granted another individual conservatorship over the student.

Purging Information from a Student's Special Education File

The special education file for African-American students should be reviewed when the student transfers into the district or is being reevaluated. The file shall be permanently sealed if it contains information or references to I.Q. tests or prohibited tests. The records are to be opened only for litigation purposes, official state or federal audits, or upon parent request.

The parents shall be notified that the records will be sealed. The parent shall be informed of the court decision which prohibits the use of intelligence tests for African-American students for any purpose related to special education. Additionally, prior to sealing the records, a qualified professional should identify appropriate data to be copied and purge all references to information from I.Q. tests or prohibited tests. The remaining data should then be transferred to the student's current special education file.

1. Review the student's special education file for information pertaining to I.Q. or other prohibited tests;
2. Remove any prohibited protocols and all assessment reports which contain prohibited information;
3. Copy the original assessment report;
4. The following information shall be redacted from the duplicated copy:
 - a. Any reference to a test instrument with yields an I.Q. score or standard score that is an indication of cognitive functioning.
 - b. Any test data summary scores from the test instrument(s).
 - c. Commentary in the report which discusses the student's performance on the test instrument(s).

5. Duplicate copy of the purged report. File this in the student's special education file;
6. Seal the original report, any relevant protocols, and a copy of the letter sent to the parent/guardian in an envelope. Indicate the student's name and the document destruction date of five years hence on the outside of the envelope. Also, attach a label indicating the envelope is sealed per Larry P. ruling, and only to be opened for purposes of litigation, official state or federal audits, or upon parent request;
7. Place notification in the student's special education file regarding the sealed envelope;
8. Forward the sealed envelope to the district's Special Education Office;
9. The special education administrator will notify the parent in writing.

Destruction of Student Records

All school records in California are divided into three groups for the purpose of defining how long records are kept before they are destroyed:

Class I – Mandatory Permanent, must be kept indefinitely by the LEA unless microfilmed;

Class II – Optional Mandatory Interim, must be kept for three years after their date of origin at which time they may be reclassified as Permanent, Optional or Disposable;

Class III – Disposable, the only disposable records are Class III and are to be destroyed by "foolproof methods" so as to maintain the confidentiality of the record. Whenever records are deemed Class III, parents are to be notified in writing.

Citations:

E.C. § 48985
E.C. § 49061(b)
E.C. § 49064
E.C. § 49061(e)
E.C. § 49068
E.C. § 49069
E.C. § 49063
E.C. § 49070(a)-(c)
E.C. § 49076(a)(1)
E.C. § 49076(1)(2)
E.C. § 49076.5(a)-(b)
E.C. § 49077
52 C.C.R. § 432 (b)(2)
52 C.C.R. § 432(b)(3)

52 C.C.R. § 437
34 C.F.R. § 99.3
34 C.F.R. § 99.10-99.12

Chapter 16 – Student Data

Data Collection and Development of Management Information Systems

California Department of Education requires of each district the collection of specified data for students with disabilities. This data is submitted through the California Longitudinal Pupil Achievement Data System (CALPADS) on the first Wednesday of October and at the end of the school year. Data collected through this process allows local and state level analysis of student-level issues, program issues, district-level issues, SELPA-level issues, and state-level issues.

Placer County SELPA staff will support all member districts in the collection and reporting of required data by providing technical support, local software compatible with California Department of Education (CDE) software, and ongoing training. SELPA staff will support the development and ongoing implementation of a data collection system, which is responsive to the data needs of member districts. The SELPA staff supports a continuous improvement model of data collection.

The SELPA will implement a data collection and storage system that will provide for the management and reporting of required data for state and federal systems. The SELPA will continue to work with the State Department to ensure its member Local Education Agencies (LEAs) collect and report all required data related to special education fiscal and program services, and to provide other pertinent information necessary for the operation of the SELPA.

Each member LEA of the Placer County SELPA shall provide data or information to CDE that may be required by regulations. The following are examples of required data reports:

1. CALPADS
2. Personnel Data Report (PDR)
3. Annual Service Plan (ASP)
4. Annual Budget Plan (ABP)
5. Maintenance of Effort (MOE)
6. Desired Results Developmental Profile (DRDP)
7. IEP Implementation

This data shall be collected and reported in a timely fashion to meet the required state deadlines.

State Performance Goals and Indicators

Each state must have a State Performance Plan (SPP) in place and must review the plan at least once every six years. States are required to establish measurable and rigorous targets for each of the 20 goals or indicators

established at the federal level. Each state must submit an Annual Performance Report (APR) related to its progress on achieving the established targets. CDE reports annually regarding whether each LEA has met the established target criteria in each of 14 indicators (the other six goals are specific to state-level requirements). The 14 indicators are defined below:

1. **Graduation Rate**
Performance on this indicator is measured by the percentage of special education students in 12th grade who graduated with a diploma.
2. **Drop Out Rate**
Performance on this indicator is measured by the percentage of students in 7th grade and higher who exit special education by dropping out of school.
3. **Assessment**
Performance on this indicator is measured by whether at least 95% of students in special education participate in statewide assessments and the percentage of students who meet LEA targets in each subject area.
4. **Suspension & Expulsion**
Performance on this indicator is measured by whether the percentage of special education students who are expelled or suspended for more than ten days is disproportionate to the general population, both overall and by race/ethnicity.
5. **Least Restrictive Environment**
Performance on this indicator is measured by the amount of time that students, between the ages 5 and 22 years, receive special education and related services in settings apart from their non-disabled peers.
6. **Preschool Least Restrictive Environment**
Performance on this indicator is measured by the percentage of preschool children who receive special education and related services in settings with typically developing peers.
7. **Preschool Assessment**
Performance on this indicator is measured based upon a calculation of the progress made by preschool children in special education.
8. **Parent Involvement**
Performance on this indicator is measured by the percentage of parents of children receiving special education and related services who report that schools facilitated their involvement as a means of improving services and results for their child.

9. Disproportionate Representation: Overall
Performance on this indicator is measured by whether the percentage of students, by ethnic and racial group, receiving special education and related services is disproportionate to the percentage of the general population overall.
10. Disproportionate Representation: Disability Categories
Performance on this indicator is measured by whether the percentage of students, by disability, receiving special education and related services is disproportionate to the percentage of the general population.
11. Eligibility Evaluation
Performance on this indicator is measured by the percentage of students whose eligibility for special education was determined within 60 days of receipt of parental consent for evaluation (target is 100%).
12. Transition from Part B to Part C
Performance on this indicator is measured by the percentage of students aged 3 years who received special education under IDEA-Part-C and transferred to IDEA-Part-B, and had an IEP developed before their third birthday (target is 100%).
13. Secondary Transition
Performance on this indicator is measured by the percentage of students aged sixteen years and above whose IEPs include coordinated and measurable postsecondary goals and transition services (target 100%).
14. Post-School Outcomes
Performance on this indicator is measured by the percentage of students who are competitively employed, enrolled in a postsecondary school, or both, within one year of leaving high school.

Indicators 1,2,3,5,6,7,8, and 14 are considered performance indicators while the others are considered compliance indicators. Sanctions are applied to those LEAs who do not meet the established targets for compliance indicators.

Much of the data used to complete the APR is derived from each SELPA's and District's CALPLADS submissions. Some information is gathered through review of other sources of data. If an analysis of this data indicated any areas of noncompliance, corrective action must be undertaken at the state and/or local level.

Each participating LEA is responsible for complying with these requirements and participating in the review, revision, and implementation of changes to policies, procedures, and practices related to identified problems.

Importance of Accurate Data

Each LEA is held accountable for compliance with state and federal laws related to providing special education services. For that reason, it is imperative that the data reported through CALPADS is as accurate as possible. To do so requires that each IEP team and LEA establish and maintain a system of reviewing incoming IEPs to ensure that they are accurate and complete and to ensure correct data entry. Doing so will also allow LEAs to have positive outcomes during state program reviews and to successfully address individual student complaints.

Electronic IEP Development/Local Student Database

All LEAs within the SELPA must use the SELPA approved web-based IEP system for development of IEPs and maintenance of the CALPADS data system.

The Placer County SELPA currently utilizes SIRAS Systems, which is a suite of web-based tools for IEP generation as well as other functions. It allows access of student information from any computer with internet access and user authorization. SIRAS utilizes the highest security level to protect the student's information and confidentiality to only those granted permission to access that student's record. Similar systems that offer comparable functions may also be considered.

There are two very large collections of student data stored in the IEP software system: Student Records (which contains demographic information) and IEPs. Data for CALPADS reporting is pulled directly from the Student Records and IEPs. A CALPADS error checking utility is built into the system so CALPADS errors and blank fields are corrected as IEPs are completed throughout the year.

There are multiple levels of users and capabilities within the IEP system. LEA Administrators determine the level of access for each individual user.

For service providers, the IEP system provides the ability for multiple IEP team members to work on and maintain a single IEP record; easy-to-use point and click input and edit screens; data entry codes via drop-down boxes; multiple goal and objective banks; "change log" displaying all additions and deletions to a record; access to previous years records; and the ability to upload and store related reports and documents.

For LEA-level staff, the IEP system provides assignment change capability available throughout the school year; communications capability throughout the system; and a significant reduction in time and effort in preparing CALPADS reports.

The primary benefits of using a web-based IEP system are to:

1. Significantly reduce compliance issues;
2. Reduce the hours that special educators must spend developing IEPs and related paperwork;
3. Allow teachers and service providers to spend more time with students;
4. Reduce redundancy of data entry;
5. Facilitate easier case management; and
6. Provide accurate data for state reporting.

The IEP software is a system for drafting IEP documents for the IEP team to review and make changes based on input from the entire IEP team, and to archive IEPs with all changes made by the team during the meeting(s).

However, it is important to note, the legal IEP is the hard copy IEP that carries the original parent(s)/guardian(s) signature(s) and is filed in the student's cumulative records. Parents have the legal right and LEAs have the legal responsibility to provide parents with a final copy of the IEP documents at the end of the IEP meeting. This may contain a combination of typed text from the IEP system and hand writing that occurred during the IEP meeting amending any drafts (unless the team had access to the IEP System online during the meeting). Once signed (physically or electronically), it is the final IEP that should be stored in the student's records. The IEP case manager may now go back into the system and add any handwritten changes/additions prior to finalizing the IEP so that the copy archived in the system matches that of the legal document.

The SELPA provides annual training in the fall for any new teachers or support personnel in using and navigating within the IEP system and training specific to new changes and additions when they are made to the system. In addition, within the IEP system itself is a user manual, support documents, training videos, and contact information for those with questions. The system contains a "Document Library" section that includes fillable blank versions of all the IEP forms and additional documents. The "Added Forms" section of the IEP system is maintained by the SELPA and contains documents and forms that are SELPA specific to support districts in implementing their special education programs.

Disproportionate Representation

Each member Local Education Agency (LEA) of the Placer County SELPA shall, with SELPA assistance, monitor student trends with the intent of averting inappropriate, disproportionate representation by race and ethnicity of students with disabilities. The SELPA shall provide the following assistance:

1. Student trend data pertinent to the disproportionate calculation as reported through CALPADS to the California Department of Education (CDE).

2. Provide up-to-date training and information provided to the SELPAs by CDE.
3. Continue to apprise member LEAs concerning fiscal changes and/or responsibilities related to the potential 15% transfer of local assistance funds to reduce disproportionality under Early Intervening requirements of IDEA.

CITATIONS:

5 CCR 431

EC 49070

EC 49061

EC 49070

EC 49075

5 CCRE 431, 432, 433

E.C. 49068

E.C. 49063 -49077

E.C. 56205

20 USC § 1412 (a)(15)

20 USC § 1418 a-d

Chapter 17 – Alternative Dispute Resolution

What is Alternative Dispute Resolution (ADR)?

ADR is an informal method of settling disagreements that may arise during an IEP meeting or conflict within an IEP team. It is a free level of local intervention designed to meet the interests of the parties involved that results in a crafted, mutually agreeable outcome rather than living with a decision made by an outside third party, such as a hearing officer or judge.

Local Opportunity for Engagement

Parents concerned about their child's education are encouraged to first contact the child's teacher, school principal, or LEA special education administrator to discuss their concerns. Informal conversation often resolves the problem and helps maintain open and positive communication. The *Hierarchy to Follow When Resolving Conflicts* is available as a guide in **Appendix #####**.

Alternative Dispute Resolution Continuum

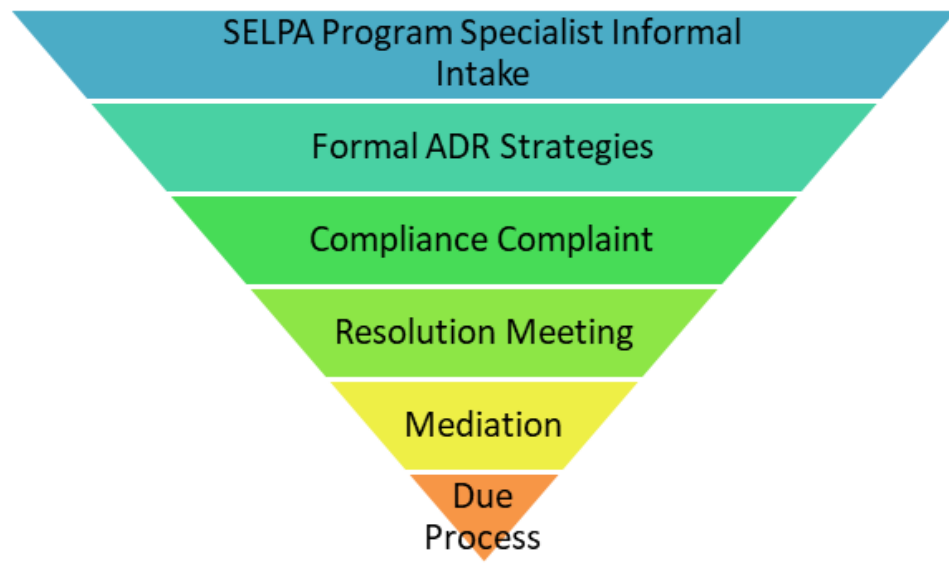
Alternative Dispute Resolution, also known as ADR, is a free service offered to parents and school districts in the Placer County SELPA that provides parties the opportunity to resolve disputes collaboratively and avoid time-consuming and costly litigation. All components of the ADR process voluntary and are confidential. Confidentiality means the restriction of access to verbal and written communications, including clinical, medical and educational records, to appropriate parties.

Foundational Placer County SELPA ADR Principles

Parent/Educator engagement is a critical component to managing conflict through the IEP process. The process of building a foundation for strong relationships between stakeholders involves intentional and proactive planning. Educating parents and educators in the areas of Conflict Resolution, Problem-Solving, Collaborative IEP Processes, and IEP Compliance is the cornerstone to engagement and collaboration.

The ADR Continuum of Supports

The process can be initiated by a school district or a parent by contacting the SELPA Program Specialist assigned to the school district.



SELPA Program Specialist Informal ADR Strategies

ADR request are strongly encouraged by SELPA and the California Department of Education (CDE). ADR requests for support can come in the form of a phone call, written letter, written notice from Procedural Safeguards Referral Services with CDE, or a potential due process. The SELPA Program Specialist is trained to match identified strategies to the dispute and is available to both parents and LEA staff to assist with the ADR process. During the intake, all concerns are heard and support is provided to both parties in identifying problems and conflicts. Dispute resolution options are discussed and follow up is provided to check on the outcome of the option chosen. The ADR collaborative process allows the impacted parties to build relationships and is the first step in a positive resolution for both the parent and the LEA so that matters do not escalate into a potential complaint or due process.

SELPA services within the informal continuum include:

1. Parent support and intervention
2. Team planning meeting
3. File review
4. Student/environmental observation

Further information on specific services can be found in the *Placer County SELPA Alternative Dispute Resolution Continuum Guidelines*.

Placer County SELPA Formal ADA Strategies

If the parties are unable to resolve the dispute using informal ADR strategies, the next level of support includes formal ADR strategies. If the level of conflict is significant, parties may agree to initiate support through formal ADR strategies.

SELPA formal ADR strategies include:

1. Neutral third-party IEP observer
2. Formal facilitated IEP
3. Local SELPA informal mediation (not linked to the state formal mediation process)
4. Local outside informal mediation (not linked to the state formal mediation process)

Resolution Proceedings Beyond ADR

When disputes develop between the LEA and the parent regarding a student's educational program that cannot be resolved at the local level through Alternative Dispute Resolution, it is sometimes necessary to utilize more formal procedures to resolve those disputes. There are three types of dispute resolution proceedings: due process, compliance complaints, and civil rights issues. Each proceeding is designed to address a different kind of dispute.

Due Process

When the parents of a student with disabilities and the LEA disagree about the child's identification, assessment, educational placement, or provision of FAPE, either side can request a due process proceeding.

There are three levels to the hearing process:

1. *Resolution Session*
When a parent files a due process hearing request, the district is required to schedule a resolution meeting within 15 days of receipt of the complaint with the parents and the relevant members of the IEP team. The purpose of the meeting is to attempt to reach resolution at an early stage.
2. *Mediation Conference*
If the resolution session is not successful or is waived by either party, a mediation conference that is an informal meeting between the district, parent, and an administrative law judge is conducted. The mediation conference must be scheduled by the state within 15 days of receiving the request for due process hearing.
3. *Formal Administrative Fair Hearing*

If the mediation conference is not successful or is waived by either party, an administrative fair hearing is scheduled. This is a formal hearing conducted by an administrative judge from the Office of Administrative Hearings. At the hearing, both sides present evidence through submitting documents and by calling witnesses. The administrative law judge evaluates the evidence, determines the prevailing party, and directs corrective action, if any. This step must be held and a decision made within 45 days of the State's receipt of the request for a hearing.

Either party may request to have only a mediation conference instead of requesting a formal administrative fair hearing. If the issue is not resolved through mediation, a formal hearing can then be requested.

Mediation and hearing requests must be made in writing and sent to:

Office of Administrative Hearings Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
Phone: (916) 263-0880
Fax: (916) 263-0890
<https://www.applications.dgs.ca.gov/oah/oahsftweb>

Compliance Complaints

When it is believed that the LEA may have violated any part of special education law, a parent, individual, public agency, or organization can file a complaint with the California Department of Education (CDE). The party filing the complaint must forward a copy of the complaint to the other party at the same time it is filed with the CDE. Within 5 days of receiving the complaint, the CDE must review it to decide if it is a matter for state or local investigation.

If it is determined to be an appropriate complaint for state investigation, an investigator interviews both sides, reviews documentation, and then decides whether the complaint is justified and what corrective action (if any) must be taken. A report of that investigation must be made within 60 days.

Complaint forms are available online at:

<http://www.cde.ca.gov/sp/se/qa/cmpltntproc.asp> and may be filed with the superintendent of the LEA or sent directly to:

California Department of Education
Special Education Division Procedural Safeguards Referral Service
1430 N. Street, Suite 2401

Sacramento, CA 95814
Phone: (800) 926-0648
Fax: (916) 327-3704
Email: speceducation@cde.ca.gov

Civil Rights Issues

It is the responsibility of the Office of Civil Rights in the Department of Education and the Office of Civil Rights in the Department of Health and Human Services to enforce federal laws prohibiting discrimination against persons on the basis of race, color, religion, sex, ancestry, national origin, disability, medical condition, genetic information, sexual orientation, citizenship, primary language, immigration status, and other protected classifications and to investigate discrimination complaints.

If a parent or other individual believes that his or her rights have been violated by an educational institution receiving federal assistance because of his or her disability or his or her child's disability, a complaint can be submitted to:

Regional Director, Office of Civil Rights, Region IX
90 7th Street, Suite 5-100
San Francisco, CA 94103
Office Number: (415) 437-8096
TDD: (877) 521-2172
Fax: (415) 437-8004
Email: ocr:sanfrancisco@ed.gov

Citations:

Title VI, Civil rights Act of 1964
Title IX, Civil Rights Act of 1972
Section 504 of the Rehabilitation Act of 1973
Title II of the Americans with Disabilities Act of 1990
34 C.F.R. § 300.153
E.C. §§ 56501-56507

Chapter 18 – Charter Schools

Special Education and related services shall be provided to all eligible individuals within Placer County in accordance with the Placer County SELPA Local Plan. Students enrolled in charter schools chartered within the county shall be served in the same manner as students with disabilities served in other public schools.

This policy applies to all Charter Schools that are chartered by educational entities located within Placer County. Additionally, this policy applies to any charter school petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to a district within the Placer County SELPA. Because students enrolled in charter schools are entitled to special education services provided by State and Federal funding, the charter schools will follow all requirements of state and federal law regarding provision of special education services.

A charter school shall not discriminate against any student in its admission criteria on the basis of disability. Students enrolled in charter schools shall receive services in a manner similar to students enrolled in other public schools within the SELPA. Charter schools shall be treated as all other SELPA-member LEAs by the administrative unit, the SELPA governance bodies, and the SELPA Administrator.

Charter Petition and Review by SELPA

Prior to approval of a new charter, or renewal of an existing charter, the superintendent or designee of the chartering entity shall consult with the SELPA Administrator regarding the status of the charter school. The chartering entity will provide assurance that all eligible students, including those students enrolled in the charter school, will receive appropriate special education services.

The petition should include assurance that:

1. All eligible students enrolled in the charter school will receive appropriate special education services in accordance with applicable state and federal laws and regulations, as well as the local plan;
2. The district where the student resides, if different than the chartering entity, is not responsible for providing special education services to students that are enrolled in the charter school;
3. No student otherwise eligible to enroll in the charter school will be denied enrollment due to a disability or to the charter school's inability to provide necessary services;
4. Staff members providing special education services are appropriately credentialed;

5. The facility used by the charter school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program;
6. Disenrollment, suspension, and expulsion policies and procedures shall ensure that the protections of federal and state law are afforded to special education students.

Each charter petition must contain a reasonable comprehensive description of the charter school's educational program. This description should include information about the specialized instruction and services available at the charter school and procedures for ensuring that students are referred, assessed, and served in a timely manner. The petition or a memorandum of understanding (MOU) must also identify the entity that will be responsible for providing special education instruction and related services, reference any anticipated transfer of special education funds between the granting entity and the charter school for the purposes of providing special education and related services, and include provisions for sharing deficits in funding.

In the event of any disputes arising between entities, including the SELPA and its member LEAs, regarding the provision of special education services in the charter school, the petition should outline the resolution procedures that will be used.

Status of Charter Schools

SELPA funding for special education services, participation in the governance structure and the SELPA's responsibility for provision of services shall be based on the categorization of the individual charter school. Education Code section 47640 et. seq. added in 1999, allows a charter school either (1) to be deemed a LEA for special education purposes and receive direct funding for special education from the SELPA or (2) continue to be categorized as a public school with the member district that granted the charter and such district shall remain the LEA for special education purposes.

All approved charter schools will be deemed public schools within the charting entity until the charter school has applied and been approved as an independent LEA for special education by the SELPA Council of Superintendents (COS).

Public School with a School District or County Office

Charter schools that are deemed to be public schools within the chartering entity will participate in state and federal funding in the same manner as other schools or programs within the chartering entity. The chartering entity may not grant a charter on the condition that the charter school must become an LEA. The chartering entity 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 enrolled in other schools and programs administered by the chartering entity.

The chartering entity/LEA will:

1. Receive all applicable special education funds as specified in the SELPA Income Distribution Agreement and ensure that the allocated funding is distributed to the charter to provide or procure special education and related services and/or used by the LEA to provide or procure special education and related services to the charter.
2. Represent the needs of the charter school in the SELPA governance structure;
3. Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served consistent with all applicable provisions of state and federal law, in a timely manner, and in the same manner as a student with disabilities who attends another public school of that LEA, no matter where the student may live; and
4. The chartering entity 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 is also held fiscally responsible for a fair share of any general fund contribution that is created by the provision of special education services throughout the district.

Charter School as an LEA within the SELPA

A charter school that includes in its petition for establishment or renewal, or that otherwise provides verifiable written assurances that the charter school will participate as an LEA for the purposes of providing special education, may apply to become a member of the Placer County SELPA or another SELPA. A request from a charter school to participate in the Placer County SELPA will be treated in the same manner as such a request from a school district. The charter petition or other written assurances should state that prior to final approval of a request to be deemed an LEA, the charter school will be deemed a public school within the chartering entity.

Charter schools that wish to become member LEAs in the Placer County SELPA must submit an application on or before September 1 of the year prior to implementation of the school year preceding the school year in which the charter school anticipates operating as a member LEA within the SELPA.

An application form is available by request from Placer County SELPA and must be used by all applicants. The application must include the following documents:

1. A copy of the agency's multi-year budget which includes an account for special education which is sufficiently large to cover the cost of anticipated services and reserve for contingencies equal to that required for public school districts of the same size;
2. A copy of the charter, (amended as appropriate) which sufficiently describes the provision of special education and related services by the charter LEA;
3. A copy of audit reports for the past two years (if applicable);
4. A document that provides income/expense reports for special education programs for the past two years;
5. A copy of the Dashboard for the school – history of the last three years, if available
6. A copy of the School Accountability Report Card (SARC)
7. A list of credentials for all certificated staff: name, position, credential number, if highly qualified
8. A statement signed by the charter's fiscal agent and governing board acknowledging the charter's obligation to Child Find, its obligation to pay the costs of special education whether or not those costs are adequately covered from the charter's SELPA allocation and assuring that it has adequate fiscal reserves to cover those costs. Costs of special education may include, but are not limited to, instruction, transportation, non-public school/agency placements, inter and intra SELPA placements due process proceedings, complaints and attorney fees
9. A copy of the charter school student application materials which reflects that the charter school can and will make available the full range of special education services for students enrolled in the charter school.

The SELPA Administrator, appropriate advisory committees, and the SELPA Executive Committee of the Council of Superintendents (ECCOS) will review the application and develop an action recommendation for SELPA COS. The SELPA COS will take action to approve or disapprove the charter school as a member LEA.

The SELPA COS decision will be based on whether the charter school has met all requirements to be included as a member LEA of the SELPA. These requirements include:

1. Assurance that all enrolled individuals with exceptional needs (ages birth to 22 years) have access to appropriate special education programs and services;
2. Assurance that the LEA, through employment or contract, can provide the appropriately credentialed staff necessary to meet federal and state special education mandates;
3. Assurance that the LEA will follow all applicable SELPA policies and procedures;
4. Utilization of SELPA approved forms;

5. Attendance at SELPA sponsored meetings and trainings;
6. Agreement to indemnify and hold harmless the SELPA and each of the member entities.

If approved, LEA status will become effective on July 1 of the next school year. Prior to final approval and full acceptance as a member LEA, the charter school will continue to be deemed a public school of the chartering district. If disapproved, the SELPA administrator will provide the applicant with a written finding that delineates the reason(s) for disapproval.

Once deemed a member LEA, the charter school, like other member LEAs shall:

1. Fully participate in governance of the SELPA in the manner outlined in the local plan and shall choose a representative to the SELPA COS and to the Special Education Administrators Committee (SEAC);
2. Accept all responsibilities of an LEA in the implementation of the local plan;
3. Fully comply with policies and procedures outlined in the local plan and procedural handbooks;
4. Contribute to, participate in, and receive the benefits of regionalized services;
5. Receive state and federal funding for special education in the same manner as other LEAs with the SELPA and in accordance with the SELPA Allocation Model outlined in the Procedure Manual;
6. Be responsible for all costs incurred in the provision of special education and related services including but not limited to instruction, services, transportation, nonpublic school/agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees, without regard for the location in which the student may reside;
7. 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 related services to identified students with disabilities; and
8. Return any special education apportionment not used solely for the purpose of providing special education instruction and/or related services to identified students with disabilities, if recaptured by the SELPA for reallocation to other LEAs.

Following approval by COS, the SELPA local plan must be amended, and the amended local plan must be submitted to the California Department of Education (CDE) for final approval.

Citations:

E.C. § 56501-56507

E.C. § 47605.5(k)(1)

E.C. § 56000 et seq.

Chapter 19 – Disputes Between Participating Entities

Dispute Resolution Between Entities

It shall be the policy of the SELPA and member Local Education Agencies (LEAs) 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 Education Agency.

In the event of a disagreement among LEAs, the LEAs and the Administrative Unit (AU), the LEAs and/or between the AU and the SELPA regarding the distribution of funding, responsibility for service provision, and any other governance activities specified in the Local Plan, it is the intent of the Council of Superintendents (COS) that issues be resolved at the lowest level possible in the governance structure outlined in the Local Plan. The COS is considered the Board of Last Resort. This dispute resolution process is intended to resolve disagreements within a period of 45 days, but it is not intended to undermine local authority.

If an LEA disagrees with a decision or practice of another agency or the SELPA Office, the LEA has a responsibility to discuss and attempt resolution of the disagreement with the party or parties directly involved. The parties involved will present the issues to their respective Superintendents, or designees, who will attempt to resolve the matter.

Should resolution not be achieved at an informal level, the following steps shall be followed:

Step One

Either party may request the direct assistance of the SELPA Administrator to facilitate a resolution session. If the resolution session is unsuccessful, a written notification shall be submitted to the SELPA Administrator and the COS clarifying the disputed issues, and movement to the next step in the process shall occur.

Step Two

A review of the written notification of disputed issues is submitted to an impartial subcommittee composed of Special Education Administrators Committee (SEAC) members and the SELPA Administrator. Both parties present their side of the dispute. If either party disagrees with the recommendation of the subcommittee, the disputing parties shall retain the services of a neutral third-party mediator.

Step Three

The services of a neutral mediator from outside the SELPA are utilized to facilitate a resolution session. If the process fails, the parties may pursue a hearing on the issues and resolution with the COS.

Step Four

The issue will be placed on the COS agenda, with a summation of all events and outcomes included in the Board packet for their review. The COS will hear from the parties and render a decision no later than the next scheduled meeting. The decision of the COS shall be final.

Disputes Among Member LEAs

Should the dispute involve inter-SELPA issues and be among the COS members, the SELPA Administrator or an outside mediator will facilitate a resolution session.

If the resolution session is unsuccessful, the State dispute resolution proceedings will be initiated. To initiate this step, each LEA Superintendent will submit to the SELPA Administrator a written notification regarding the dispute. The SELPA Administrator will submit these notifications to a State arbitrator for review, and mediation will follow. The arbitrator's decision will be final. This procedure is referenced in Education Code Sections 21: 35565, 74281, and 81501; however, in this case, the SELPA Administrator replaces the County Superintendent for LEA dispute matters related to SELPA operations. Should disputes involve the SELPA Administrator, an LEA Superintendent not involved with the dispute will act as liaison to the arbitrator.

Citations:

E.C. 56205 (a)
20 USC §1412 (a) (5) (A)

Chapter 20 – Funding and Income Distribution

Equity of Funding

Each LEA within the Special Education Local Plan Area (SELPA) is assured an equitable share of federal and state special education funds available to the SELPA to provide special education services to students residing within each Local Education Agency (LEA). Services may be provided through funds allocated to the district of residence, another LEA, a county office or another SELPA.

Budget Procedures

The Annual Budget Plan for the SELPA shall be adopted at a public hearing and shall include a compilation of all the LEA's adopted annual budget plans. The Annual Budget Plan is approved by the Council of Superintendents following the public hearing. The regionalized service budget and the use of property taxes allocated to the County for special education, in compliance with E.C. Section 56205(b), is to be conducted annually by the SELPA.

Nothing contained in the policy and procedures of the SELPA prohibits an LEA from utilizing local funds to provide special education programs and services beyond the level of funding provided through SELPA allocations.

Each Local Education Agency shall adopt an Annual Budget Plan that meets all requirements in Education Code 56205(b). Each Local Education Agency has the responsibility to establish accounting practices which clearly identify the purpose for which federal funds were expended in support of special education programs.

1. Annual Budget Plan shall identify expected expenditures for all items required to implement the delivery of special education services, and shall include:
 - a. Funds received in accordance with Chapter 7.2 of Education Code 56836 et seq.;
 - b. Administrative costs of the plan;
 - c. Special education services to pupils with severe disabilities and low incidence disabilities;
 - d. Special education services to pupils with non-severe disabilities; and;
 - e. Supplemental aids and services to meet the individual needs of pupils placed in general education classrooms and environments.
2. The adopted LEA Annual Budget Plan shall be submitted to the SELPA for the annual public hearing on the SELPA-wide Annual Budget Plan.

Regionalized Service Funds, including funds to support the activities of Program Specialists, are allocated directly to the Administrative Unit to be utilized and dispersed in accordance with EC 56836.23 and the Local Plan.

Summary of Funding Model Components

Special Education Apportionments flow from the California Department of Education (CDE) to the Placer County SELPA Administrative Unit of the Placer County Office of Education (PCOE). State and Federal Funds are allotted to the LEAs pursuant to the SELPA Budget Allocation Plan that is approved by the SELPA Council of Superintendents and is outlined in this chapter and referenced in the Local Plan.

Existing law allocates the state General Fund share of special education funds based on a census-based funding formula, commonly referred to as the AB 602 formula. The CDE distributes funding for special education programs to every SELPA via AB 602.

AB602 and Federal IDEA

As per the state AB 602 funding model, special education revenues will be received by the Placer County SELPA in the form of a block grant. The amount of the block grant will be based upon revenues received from the following sources, adjusted by growth and COLA:

1. State Aid;
2. Local Property Taxes;
 - a. As with the Local Control Funding Formula, the state first counts property tax revenue towards these funding levels and then contributes General Fund to fill any remaining gaps.
 - b. In order to ease the accounting burden, all of the property tax revenues are retained at PCOE, with the appropriate offset made through state revenues. This allocation of property taxes does not adversely impact the total revenue apportioned to any SELPA member district.
3. IDEA Basic Local Assistance, Part B Grant (Resource Code 3310)

The following funding sources will be outside and in addition to the block grant, and shall not be disbursed through the allocation plan as they are “off the top” expenditures or restricted funding sources:

1. Low Incidence Materials and Supplies
 - a. Funds which are restricted for materials and services to support IEPs for students with low incidence disabilities (hearing impairments, vision impairments, orthopedic impairments or any combination thereof)
2. Infant Program Income (both IPS Unit and Supplemental Grant Funding)
 - a. State and federal funding set aside for services to infants ages 0-3.
3. Out-of-Home-Care (OOHC) Funds
 - a. Out-of-Home-Care funding is targeted for students who are unable to live with custodial parents for a variety of reasons. Beginning

July 1, 2023, Out-of-Home Care funding student counts are based on the number of foster youth students placed in short term residential therapeutic programs, community care facilities, intermediate care facilities, and/or skilled nursing facilities. Foster youth counts are captured via cumulative enrollment.

4. Program Specialist/Regionalized Services Funds
 - a. Funds that are restricted to regionalized operations and services are provided in accordance with the local plan. Services include a coordinated system of staff development and parent education; a coordinated system of technical assistance and internal review; a coordinated system of Alternative Dispute Resolution (ADR) processes; a coordinated system of support and collaboration in program development at the student, classroom, site and district level.

Other Revenue Sources

Preschool (3315)

The SELPA receives one preschool grant that is used to provide services and supports to students with disabilities, aged three through five: the Federal Preschool Grant. All funds are allocated based on district of residence.

Infant Entitlement (3385/6510)

The SELPA receives Infant Entitlement Grants that support programs for children from birth to 3 years and are generated through J-50 reporting. These grants are distributed to the Placer County SELPA to provide Part C, Early Start Programs. The funds are allocated pursuant to applicable state and federal laws, and are used to fund regionalized, county-operated special education programs for infants with disabilities.

Distribution of Funds

Both federal and state law requires assurances that all eligible students residing within a SELPA have equal access to special education programs and services regardless of their district of residence.

To accomplish this goal, the Council of Superintendents (COS) is required to:

1. Have a process for allocating funds in accordance with laws and regulations;
2. Develop an annual budget plan; and
3. Monitor the use of special education funds.

It shall be the policy of COS and the Executive Committee of the Council of Superintendents (ECCOS) to monitor the use of funds within the SELPA and to develop a process for the reallocation of funds necessitated by changes in law or as a result of changing needs within SELPA.

Annually the Executive Committee of the Council of Superintendents (ECCOS) shall review the AB 602 Allocation Plan at the June meeting and recommend adjustments as required to provide equitable funding to support the provision of FAPE to all children with disabilities in the SELPA.

AB602 Funds

Expenditures that are Restricted or Reserved

The model earmarks a portion of the AB602 Block Grant for restricted or specific purposes and those funds shall be deducted from the gross AB602 funds prior to distribution through the allocation formula.

Low Incidence Disabilities

A portion of the LI funds received through the AB 602 allocation to support special education and related services as required in each IEP for students with low incidence disabilities shall be retained by the SELPA in a Low Incidence Pool and used to purchase approved items for these students (see the *Low Incidence Books, Materials, and Equipment Funds* section in Chapter 22 of this manual for further information). \$350,000 of the LI Funds allocated to Placer County SELPA from the state are deposited in a separate budget account established for that purpose. The remainder of the LI funds will be distributed based on the CALPADS reported Fall 1 student count eligible LI students. Each year, at the end of the fiscal year, unencumbered funds from the LI Pool will be redistributed to member LEAs through the SELPA allocation plan.

Out-of-Home-Care (OOHC) Funding Distribution

1. Students must be coded as living in an STRTP (Licensed Children's Institution) or FFH (Foster Family Home).
2. Preschool students are included in the calculation.
3. Infants are not included in the calculation as the infant grant pays for that program.
4. Expenditures are limited to special education costs but not just to costs to educate Foster Youth in special education.
5. Funding will be allocated to the LEAs based on the Fall 1 Foster Youth Student Count and will be distributed per Foster Youth Student. The 2023-24 OOHC grant is \$862,123 and there were 162 students in the Fall 1 Count. The distribution would be \$5,321.74 per student.
6. Funding will be distributed in arrears after the books are closed beginning with the data from the 09-10 school year. For example: the 09-10 data will be used to distribute the 09-10 allocation, and the funds will be distributed after the books are closed for 09-10 (fall of 2010).
7. Payments will be made directly to LEAs.

Definition of Out-of-Home Student

Licensed Children's Institution (STRTP) and Foster Family Home (FFH) pupils whose education is the district's respective responsibility and who are placed by a court, developmentally disabled center, or public agency other than a local education agency (LEA) are considered Out-of-Home students. Pupils in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes are also included. The student must be correctly identified in CALPADS.

Regionalized Services and Program Specialist

Prior to the distribution of funds, an amount equal to the Regionalized Service/Program Specialist funding, as well as any additional funding approved by ECCOS, will be set aside annually for operation of the SELPA office.

The SELPA Administrative Unit budget will be developed in collaboration with ECCOS. The next year's adopted budget will be presented to ECCOS in February and approved no later than the April meeting and will then be submitted to the Council of Superintendents for final approval.

Any approved difference between revenue and expenses for SELPA Administration shall be covered by a contribution from total AB602 funds. In the event of a remaining fund balance in excess of the Regionalized Services/Program Specialist funds and beyond a reasonable reserve, the amount will be distributed back to the LEAs based on prior year's allocation plan after the close of the fiscal year. For example, in 2018-19, the amount budgeted to the SELPA Administrative Office is \$1,329,677 which includes funding for SELPA staffing, professional development trainings, alternative dispute resolution training and services, program development activities, technical assistance activities and support and includes indirect costs that fund the operations of the AU.

Personnel Development for SELPAs

Staff Development funds in the amount of \$25,000 will be added to the SELPA office funding annually.

Early Start Excess Costs

Placer County SELPA is the service provider for the Early Start Infant Program. Each year, after applying the Infant Entitlement Grant and Part C Education Program Grant, should there be a shortfall.

Placer County SELPA will aggressively pursue State Early Intervention Grant funds and all other means of state funding to capture all mandated costs for the infant program. PCOE will maximize staff to capture as much revenue as possible through the vendor component of the infant program..

An amount to cover unfunded excess costs of the regionalized Infant Early Start Program will be set aside annually, before calculating the AB602 funding distribution formula to member districts.

Small LEA Impact Fund

The Placer County SELPA recognizes the importance of maintaining a set-aside that, for all intents and purposes, provides an additional layer of protection for the small LEA SELPA members in the event that costs arise which are above what would be expected. The intent of the Small District Impact Fund is to provide protection for member LEAs of 900 students or less, which would include Alta Dutch Flat, Maria Montessori, Colfax, Foresthill, Ackerman-Bowman, Pathways Charter and Placer Hills. The ADA count is determined by the LEAs funded AB602 amount for the previous school year.

In order to ensure that all students with special education needs have access to an appropriate level of support, the qualifying school districts shall receive access to the Small District Impact Fund to protect small LEAs from extraordinary costs associated with students on IEP.

Per the SELPA Funding Allocation Plan, the fund shall be funded off the top in the amount of \$600,000 annually. Total expenditures for the prior year shall be replenished (if \$240,000 is expended the previous year, \$240,000 if funded off the top to replenish the fund to \$600,000). If the total amount of claims exceed \$600,000 the claims shall be paid on a prorated basis using the total fund set aside divided by the total dollar amount of the eligible claims. For additional information regarding the Small LEA procedures and requirements, please see Appendix 20-3.

Allocation Model for State and Federal Funds

The funds received by the Placer County SELPA are distributed to SELPA member LEAs based on the availability of funds from CDE.

The underlying principle of the Placer County SELPA is to apportion State and Local revenue to each member district on the basis of ADA. The ADA count is calculated for each LEA by the state in the AB602 Exhibit which will serve as the basis for the distribution of funds.

Federal funds will be utilized to fund early intervention preschool services for preschoolers aged 3-5 who are classified as Several Disabled (SD) and are placed in a preschool program.

SD Eligibility is defined in California Education Code 56030.5 as autism, blindness (including Visually Impaired), deafness (including Hard of Hearing), orthopedic impairment, serious emotional disturbance, and intellectual disability. This model also includes Established Medical Disability (for ages 3-5) as well as Traumatic Brain Injury and Multi-Handicapped as Severely Disabled disabilities. The LEA will receive \$22,000 per qualified preschool student who meets SD eligibility criteria and are served in a preschool program. The preschool count will be an average of the current year Fall 1 CALPADS count and a second count completed in the IEP vendor system on or before April 15 of the current year. Any additional federal funds remaining after the preschool allocation will be added to the ADA Allocation Distribution. If the SD preschool student allocation exceeds the available federal dollars, funds will be distributed on a prorated basis using the preschool SD student count.

Allocation Formula Implementation

The allocation plan will be fully implemented in 2024-25.

Federal PL94-142 - Component of AB602 Funding

AB602 Special Education funding is generated from three separate sources: Federal PL94-142 (Resource 3310), local property taxes (Resource 6500), and State Aid (Resource 6500). The tracking of funding sources becomes complex when there is an update to the various components used to calculate AB602 allocations, e.g., SD pupil count, ADA, taxes, etc. Therefore, Federal PL94-142 allocation will be “frozen” as calculated with the October CBEDS Information Day Special Education student count and current year Resource 3310 grant award amount.

Special Education Early Intervention Grant (6547)

This early intervention preschool grant is funded directly to *school districts* based upon CALPADS pupil counts in grade 1 with exceptional needs and is utilized to provide services and supports in inclusive settings that have been determined to improve readiness and long-term outcomes for infants, toddlers and preschool pupils from birth to age 5.

Preschool Grant Funding

Preschool grant money comes to Placer County SELPA with the stipulation that it be spent only on direct services for preschool students with an IEP. Direct services are defined as only those costs associated with student contact to implement an IEP and do not include assessment or transportation costs.

1. After a grant award notification letter is received, an initial allocation will be distributed based on the prior year April Special Education preschool pupil count, unless a current year October Special Education preschool pupil count has been finalized.

2. A revised allocation will be distributed the following April based on an average of October and April preschool pupil counts in the current fiscal year.
3. SELPA will submit periodic expense reports based on the required grant schedule to CDE. SELPA will complete expense reports using year-to-date actual expenses posted in the financial software system currently used in Placer County schools, as of the end of each reporting period.
4. There is a 27-month timeline for a district to obligate or expense their annual grant allocation. Any unused funds at 24-months will be re-distributed to other member districts based on current fiscal year student counts (Oct. & Apr), to ensure funds are expended timely.
5. Upon receipt, funds will be distributed to districts with expenditures that were reported during the claim period that is being paid.

Note: The first portion of the grant money is generally not distributed until mid-December, though programs operating from the previous July 1 can and should attribute appropriate preschool costs to these grants.

Supplementation of State/Federal Funds

Each member Local Education Agency (LEA) of the Placer County SELPA shall assure Federal compliance through sound budget development and fiscal review. Each LEA shall provide the following documentation to the SELPA:

1. Annual Service Plan
2. Annual Budget Plan
3. Annual Maintenance of Effort
4. Plus, any other additional fiscal or program information potentially required to meet the requirements of the policy.

Maintenance of Effort

The Placer County SELPA shall meet Maintenance of Effort (MOE) regulations requiring the federal funds be used only to pay the excess costs of providing special education and related services to children with disabilities and to supplement and not supplant state and local funds for special education.

SELPA Administrative Unit, as the grantee of federal funds from the California Department of Education, shall distribute all or part of the federal funds received to participating Local Education Agencies (LEA) within the SELPA through a sub-granting process and shall annually conduct and report to the State Education Agency (SEA) the required MOE information. The LEAs within the Placer County SELPA shall compile and submit budget and expenditure information including SEMA (Special Education Maintenance of Effort Actuals) and SEMB (Special

Education Maintenance of Effort Budget) reports to PCOE/SELPA utilizing the Standardized Account Code Structure (SACS) software.

The LEAs provide assurances 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. Each LEA is individually responsible for meeting federal maintenance of effort requirements. On an annual basis, each LEA shall complete state required Maintenance of Effort Reports (SEMA and SEMB) and submit them to the SELPA office for review. If an LEA does not meet MOE and is not able to satisfy one of the exceptions, the SELPA is required to withhold federal funding.

The three required comparison tests are as follows:

First and Second Comparisons

Grant year Budget to Prior Actual Expenditures (SEMB) and 2nd Interim Report

1. Each LEA will submit to the SELPA the required MOE documentation each year.
2. Budgeted local or state and local expenditures must equal or exceed prior year expenditures for each LEA and for the SELPA as a whole.
3. Comparison is made before the allocations of Part B funds are made to the LEAs.

Section 1: Each LEA should record any of the exceptions listed below. These items will reduce the amount required to meet MOE:

1. The voluntary departure, or departure for just cause, of special education or related service personnel, who are replaced by qualified, lower-salaried staff;
2. A decrease in the enrollment of children with disabilities;
3. The termination of the obligation of the agency to provide a program of special education to a particular child with disabilities that is an exceptionally costly program because the child:
 - a. Has left the jurisdiction of the agency,
 - b. Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated, or
 - c. No longer needs the program of special education;
4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

Section 2: LEAs who receive a “meets requirement” compliance determination from CDE and have not been found to be significantly disproportionate may also reduce their MOE requirements. Under these conditions, the LEA may reduce

the level of local or state and local expenditures otherwise required by the LEA MOE requirement by:

1. Calculating 50 percent of the increase in federal sub-grant allocation received for the current fiscal year compared to the prior fiscal year and reducing their state and local MOE requirement by that amount.
2. The LEA must spend the calculated “freed up” local, or state and local funds on activities that are authorized under the Elementary and Secondary Education Act (ESEA) of 1965. This includes any activities under Title 1, Impact Aid, and other ESEA programs.

Section 3: MOE Test

1. Either local or state and local funding sources are used for comparison at the SELPA level as well as for each individual LEA.
2. When the capability exists to isolate “local only” funding sources the comparison may be made using only “local” resources.
3. Comparison may be either total amount or a per capita (per child with a disability unless some other basis is permitted by the SEA for determining “per capita”) basis.

If the SELPA as a whole passes Comparison 1 or 2, the SELPA as a whole is eligible to receive Part B funding.

If the SELPA fails Comparison 1 or 2, the SELPA, as a whole, and all of its participating members will be ineligible to receive Part B funding until budgetary revisions are made by LEAs that did not meet the MOE requirement in order to enable the SELPA, as a whole, to meet MOE requirements.

At the December and April ECCOS meetings, the SELPA Administrative Unit will provide a summary of MOE calculations for review and action. For LEA sub-grant recipients that do not meet the MOE requirement, the SELPA Administrator shall do the following:

1. Notify the District Superintendent
2. Notify the District Business Official
3. Notify the SELPA Administrative Unit District Advisory Representative

Third Comparison

Prior Year Actuals vs. Second Prior Year Actuals (SEMA)

1. Actual local or state and local expenditures must equal or exceed prior year expenditures.
2. Comparison is made after unaudited actuals data is submitted to CDE following the end of the fiscal year.
3. The comparison will occur annually.

Section 1: Each year, LEA's should record any of the exceptions listed below. These items will reduce the amount required to meet MOE:

1. The voluntary departure or departure for just cause, of special education or related service personnel, who are replaced by qualified, lower-salaried staff
2. A decrease in the enrollment of children with disabilities
3. The termination of the obligation of the agency to provide a program of special education to a particular child with disabilities that is an exceptionally costly program because the child:
 - a. Has left the jurisdiction of the agency
 - b. Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
 - c. No longer needs the program of special education
4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities

Section 2: LEAs who received a "meets requirement" compliance determination from CDE and have not been found to be significantly disproportionate may also reduce their MOE requirement. Under these conditions, the LEA may reduce the level of local or state and local expenditures otherwise required by the LEA MOE requirement by:

1. Calculating 50 percent of the increase in federal subgrant allocation received for the current fiscal year compared to the prior fiscal year and reducing their state and local MOE requirement by that amount.
2. The LEA must spend the calculated "freed up" local, or state and local funds on activities that are authorized under the Elementary and Secondary Education Act (ESEA) of 1965. This includes any activities under Title 1, Impact Aid, and other ESEA programs.

Section 3: MOE Test

1. Either local or state and local funding sources are used for comparison at the SELPA level as well as for each individual LEA.

2. When the capability exists to isolate “local only” funding sources the comparison may be made using only “local” resources.
3. Comparison may be either total amount or a per capita (per child with a disability unless some other basis is permitted by the SEA for determining “per capita”) basis (34 CFR §300.203).

If the SELPA, as a whole, still fails Comparison 3 after applying the exceptions, the SELPA will be billed by the State for the amount the SELPA, collectively, failed to spend from local or state and local funds to maintain its level of effort. The SELPA AU will then invoice the LEA(s) or adjust the apportionment of the individual sub-grant recipient/s that failed MOE Comparison 3 for the amount the LEA(s) failed to spend from local or state and local funds to maintain its level of effort.

If the SELPA, as a whole, passes Comparison 3 but one or more individual LEA sub-grant recipients fail to spend from local or state and local funds to maintain their level of effort, CDE will invoice the LEA for the amount that the LEA failed to spend from local or state and local funds to maintain their level of effort. The LEA must pay the amount owed to CDE from its state and local funding in the budget year.

For the purposes of Maintenance of Effort, the SELPA Administrative Unit is the recipient of the federal funds from CDE and is, in turn, a grantor of all, or part, of those funds as sub-grants to participating LEAs.

Other Areas of Interest

Transportation Services

Specialized transportation must be offered if the IEP team has determined and documented the need in the IEP that transportation is required for the student to access their educational program.

Transportation services for special education students may be provided by the regular transportation system of an LEA, specially designed vehicles operated by an LEA, contracts with other public or private agencies, or by payment in lieu of transportation to parents or other qualified individuals. The responsibility for providing and paying for transportation services may vary according to the circumstances related to individual placement of students. The following listing, which is not all inclusive, identifies the most common situations which may require that transportation be provided and identifies the LEAs responsible for providing and paying the costs of the service.

1. For students who are residents of the school district which operates the special education program in which the student has been placed, the district of residence must provide and pay for the transportation.
2. For students who are residents of one school district but have been placed through the IEP process to receive service in another school district or SELPA, the district of residence is responsible to provide and pay the transportation costs.
3. For students who are residents of a school district or reside in an STRTP or FFH/A within a school district, and are placed through an IEP in a Non-Public, Non-Sectarian School or Agency, the district making the placement is responsible to provide and pay the costs for the transportation.

Transfer of Financial Responsibility to a High School District

All financial responsibility for students receiving special education and related services will transfer from an elementary district to a high school district based upon the criteria set forth below.

1. Kindergarten to Eighth Grade Districts
 - a. Graded: When the student is promoted to 9th Grade.
2. Charter Schools
 - a. Notwithstanding any provisions under the operating agreement between the charter school and chartering district, a charter school serving students who are receiving special education and related services is fiscally responsible for students who are enrolled in the charter school.
3. Extended School Year (ESY)
 - a. The elementary district is responsible for all costs associated with ESY for a student transferring to the high school district for the next regular academic year unless otherwise agreed to by the elementary and high school districts. If it is agreed that the high school district will assume financial responsibility for ESY because the high school district will provide ESY, the IEP must identify the high school district as the ESY provider.

SELPA Reserve Fund

A SELPA Reserve Fund has been established for unanticipated costs and economic uncertainty. The procedure to access this fund requires a request to the Executive Committee of the Council of Superintendents (ECCOS) whose members will agree upon a recommendation to the Council of Superintendents (COS) where the final decision shall be made. The SELPA Reserve Fund Guidelines for Unique Circumstances Request and Legal Fund Request is available in Appendix.

Citations:

Chapter 21 – Independent Education Evaluations

This policy sets forth the procedures under which students with disabilities are entitled to an Independent Educational Evaluation (IEE) at public expense in any member local education agency (LEA) of the Placer County SELPA.

Notice to Parents

1. Please read the entire policy in full before obtaining or paying for an IEE. The policies, procedures and criteria are to be read in conjunction with one another as a single comprehensive document. The policy may limit your right to reimbursement.
2. Before obtaining an IEE, contact the special education administrator in the school district to discuss your assessment questions and options.

Definitions

1. **Independent Education Evaluation (IEE)** means an educational assessment of the student conducted by a qualified examiner who is not employed by the LEA or District.
2. **Qualified Examiner** is an evaluator who is competent to perform the evaluations through criteria established by the District or SELPA in accordance with Education Code, Section 56322.
3. **Public Expense** means the district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the Parent.

Procedures for Requesting an IEE

Parents have the right to an IEE at public expense only if they disagree with an evaluation completed by the LEA. Parents may only request one publicly funded IEE for each evaluation completed by the LEA. If the request for an IEE comes one year or more from the completion of the LEA's evaluation, the LEA may seek to complete a reevaluation prior to pursuing an IEE.

Parents must notify the LEA in writing or at an IEP meeting that they:

1. Disagree with the LEA's evaluation; and
2. Are requesting an IEE at public expense.

The LEA may ask for the parents' reason(s) for disagreeing with the LEA's evaluation, but the parents are not required to provide those reasons. The LEA may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend its evaluation.

LEA Response to Request for IEE

After receiving a parent request for an IEE, the district and the parent are encouraged to review and clarify areas of disagreement and develop a list of desired assessment areas and issues or questions to be addressed by the IEE. The parent should specify which areas of assessment they are requesting for an IEE.

The LEA may offer to conduct its own re-evaluation or an evaluation in a new area or using a different testing instrument with parent consent. If the parent agrees to another LEA evaluation, this would not be considered an IEE. The LEA should work with the parent to appropriately document the agreement of the parent to both the new LEA evaluation and to the withdrawal of the parent IEE request pending the completion of the new LEA assessment. The LEA should ask the parents to revoke their request for an IEE in writing or ask them to sign that they agreed to the withdrawal of the request and to a new LEA assessment.

If the parent does not agree to another LEA evaluation, the LEA must respond, without unnecessary delay, to the parent's request with Prior Written Notice (PWN) that explains either:

1. The LEA will file a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. The LEA will ensure that an IEE is provided at public expense.

With the PWN explaining which option the LEA will pursue in response to the IEE, the LEA will also provide the parent with a copy of the Procedural Rights and Safeguards along with a copy of the SELPA IEE Policy.

If the LEA initiates a hearing to defend its assessment, it must provide the parent with PWN of its refusal to provide an IEE. If the hearing's final decision is that the LEA's assessment is appropriate, the parent still has the right to obtain a private evaluation but not at public expense.

Option for Providing an IEE

If the LEA agrees to provide an IEE at public expense, the assessment will be provided, with the parents' agreement, through one of the options listed below:

1. The Diagnostic Center
2. A staff member for another LEA; or SELPA
3. A private sector provider

LEA Procedures for Ensuring an IEE at Public Expense

If the LEA chooses not to file for a Due Process hearing, the following procedure should be followed to ensure an IEE at public expense:

1. The LEA will offer, without unnecessary delay, an alternative Qualified Examiner, or list of examiners, who meets District/SELPA criteria.
2. Parents have the right to choose the examiner. Parents are encouraged to promptly choose an examiner for an IEE.
 - a. If the parent does not select an examiner on the preapproved list, the parent is responsible for selecting an independent examiner that either:
 - i. Meets the SELPA criteria and parent informs the LEA of the selection; or
 - ii. If the examiner does not meet criteria, the parent must explain student's unique circumstances justifying an examiner that does not meet SELPA criteria and the parent informs the LEA of the selection and reasoning.
 - b. LEA will respond by:
 - i. Accept the parent's choice and contract with the independent examiner for the IEE; or
 - ii. Provide a PWN refusing the request and explain why the chosen examiner does not meet SELPA criteria and assist the parent in choosing an examiner who does meet SELPA criteria and the parent agrees to that examiner; or
 - iii. Provide a PWN refusing the request, and initiate a due process hearing to demonstrate that the examiner chosen by the parent did not meet the SELPA criteria for IEE and there is no justification for selecting an examiner that does not meet SELPA criteria; or the LEA's evaluation was appropriate.
 - a. If the LEA and the parent cannot agree on the appropriate examiner for the IEE, within a reasonable amount of time, the LEA must file for a due process hearing.
3. After the parent chooses an examiner for an IEE, the parent will sign and consent to the release of information authorizing the district to communicate with the independent evaluator. The independent examiner must be permitted to directly communicate and share information with LEA staff.
4. Without undue delay, the LEA will contract for the new evaluation with the qualified independent examiner.

5. As part of the contracted evaluation, the independent examiner must agree to release their assessment information including protocols and results directly to the LEA prior to the receipt of payment of services. The examiner's report shall be provided to the parent and the LEA five (5) days prior to the IEP meeting. The LEA shall receive the report no later than the same date the parent receives the report.
6. A meeting to review and consider the Independent Education Evaluation will be at a mutually agreeable time determined by the LEA, the parent, and independent examiner.

Please note: An LEA Assessment Plan is NOT completed because the LEA is not conducting the assessment and is not responsible for the timelines and/or results of the IEE assessments.

Parent Initiated Evaluations at Private Expense

Upon request for LEA reimbursement for a unilaterally parent-initiated IEE, the LEA may deny the request if the IEE does not meet SELPA criteria and no exceptional circumstances exist to waive those criteria. The LEA may also request a due process hearing to prove its own evaluation is appropriate or that the IEE does not meet SELPA criteria and no exceptional circumstances exist to waive those criteria. In all cases, if the LEA initiates a due process hearing, no reimbursement shall be made unless ordered by a Hearing Officer. If reimbursement is determined to be appropriate, then reimbursement will be in accordance with SELPA criteria and in an amount no greater than the actual cost to the parent.

The LEA is not obligated to reimburse the parent for an IEE obtained prior to the date that the LEA's evaluation is completed and discussed at an IEP meeting.

The LEA is not obligated to reimburse the parent for IEEs in areas of assessment where the parent did not disagree with LEA's assessment.

The LEA is not obligated to reimburse or fund an IEE when a parent merely feels the need for additional information about the student or in an area which has not been previously assessed by the LEA. If additional information is requested, or other areas of suspected disability arise, the parent should discuss additional assessment with the LEA.

In all cases where the LEA initiates a due process hearing to show the LEA's evaluation is appropriate, no reimbursement will be made unless ordered by a Hearing Officer.

When multiple IEE reports are obtained by the parent in the same assessment area, the LEA will not reimburse the cost of more than one IEE in any one area of assessment.

Consideration of the Independent Educational Evaluation

Independent Educational Evaluations either obtained at public expense or at private expense must be considered by the LEA, if it meets SELPA criteria, in any decision made with respect to the provision of Free and Appropriate Public Education (FAPE) for the student. "Considered" is defined as: "to carefully reflect on or think about the report, its basis and its findings".

To facilitate careful consideration, parents are encouraged to provide the report in advance of the meeting so it can be reviewed by LEA personnel qualified in the area of the evaluation. The IEP team shall document its consideration for an IEE at the IEP meeting at which the IEE is presented. The LEA will consider recommendations contained in IEE reports; however, independent education evaluations do not automatically determine the IEP team's decisions regarding educational placement or services provided to the child.

The results of IEEs either obtained at public or at private expense may be presented as evidence at a due process hearing regarding the student.

Independent Evaluator Criteria

IEEs obtained at public expense must be conducted using the same criteria as those used by the LEA when it conducts an evaluation, including the location limitations for the evaluation, minimum qualifications of the examiner, cost limits, and use of approved instruments. As part of the evaluation, the examiner shall follow requirements for LEA evaluations which include, but are not limited to:

1. The independent examiner must review all relevant educational records.
2. The independent examiner must observe the student in an appropriate educational setting.
3. The independent examiner must conduct interviews with parents and staff; and
4. The independent examiner shall attend the IEP meeting by phone or in person at which time the evaluation will be discussed.

If the LEA observed the student while conducting the evaluation with which the parents disagree, or if its assessment procedures allow in-class observations, the independent examiner will be provided with an equivalent opportunity to observe the student in the current educational setting, and to observe the LEAs proposed setting, if any. This opportunity shall also be provided if the parents obtain an

evaluation at a private expense. (Unless determined otherwise by the members of the student's IEP team, the evaluator must either: 1) observe the student in one or more educational settings; or 2) make at least one contact with the child's general education teacher for the purpose of determining how the student is progressing in the general education curriculum.)

Observations must adhere to the LEAs policies regarding visitors to school sites and observations of students. The LEA shall define the nature and scope of an independent examiner's in-class observations consistent with the right to an equivalent opportunity to observe, but also consistent with its obligations to prevent unnecessary disruption in the class and to protect the privacy interests of other students. This may include, but is not limited to, identifying the time constraints of such observation, LEA personnel who will participate in the observation, and restrictions on student/teacher interactions.

Location Limitations for Evaluations

Independent evaluators must be located within a 120-mile radius of the district office of the LEA funding the IEE and within the state of California. Evaluators outside of this area will be approved only if the parent or the LEA can demonstrate there is a unique need for a specialized evaluation and that there are no qualified examiners within the specified area who can appropriately assess the student's educational needs. The parent must receive a letter from the LEA if the LEA intends to fund an IEE outside of the approved area.

Any expenses beyond the evaluation (i.e., food, lodging, transportation, etc.) are not included in the cost of the IEE.

Minimum Qualifications for Evaluators:

All assessments must be conducted in accordance with the requirements of Federal and State law. Evaluators with credentials other than those listed below will not be approved to conduct an IEE unless the parents can demonstrate the appropriateness of using an evaluator meeting other qualifications (E.C. § 56320(b)(3)).

Type of Assessment	Qualifications
Academic Achievement	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist
Adaptive/Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Certified Assistive Technology Specialist Registered Occupational Therapist
Auditory Acuity	Licensed or Certificated Audiologist

Auditory Perception/Central Auditory Processing	Credentialed School Psychologist Licensed Educational Psychologist Licensed or Credentialed Speech/Language Pathologist
Behavioral	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist Board Certified Behavior Analyst
Cognitive Functioning	Licensed Educational Psychologist Credentialed School Psychologist
Health	Licensed Physician Certified School Nurse
Motor	Licensed Physical Therapist Registered Occupational Therapist Credentialed Teacher of the Orthopedically Impaired Credentialed Adapted Physical Education Teacher Credentialed Teacher of Early Childhood Education
Occupational Therapy	Licensed Occupational Therapist
Speech and Language	Credentialed or Licensed Speech-Language Pathologist
Social/Emotional/Behavioral	Credentialed School Psychologist Licensed Educational Psychologist
Vision Acuity	Licensed Ophthalmologist Licensed Optometrist
Vision (Functional)	Credentialed Teacher of the Visually Impaired
Visual Perception	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Ophthalmologist Licensed Optometrist
Transition (Vocational)	Credentialed Special Education Teacher Credentialed School Psychologist

A list of qualified evaluators meeting Federal and State criteria to administer IEEs is available upon request from the SELPA.

All Independent Educational Evaluators shall be fingerprinted and have a current TB clearance on file prior to the administration of any assessment, consistent with all requirements for public school assessors

To avoid conflict of interest, and in order to ensure the appropriateness of an IEE and its recommendations, the LEA may, in its discretion, not fund an IEE by an evaluator who provides ongoing service(s) or is sought to provide service(s) to the student for whom the IEE is requested. Likewise, the LEA may, in its discretion, not fund services provided by the evaluator whose IEE the LEA

agrees to fund. In addition, no provider who is related to the student or parents will be considered by the district to provide an IEE.

Cost of Limitations for an IEE

The LEA will not cover costs exceeding rates that are reasonable and customary for the community for each identified assessment. Reimbursement shall be comparable to those costs the public agency incurs when it uses its own employees or contractor to perform a similar assessment. Costs include time spent observing the student, administering and scoring tests, report writing, and attending an IEP meeting in person or via phone. The maximum cost of each independent evaluation is:

Assistive Technology	\$2500
Multidisciplinary Cognitive/Full Psycho-Educational	\$5500
Functional Behavior	\$3000
Occupational Therapy	\$2800
Physical Therapy	\$2800
Speech and Language	\$2800

An LEA may agree to pay more than the maximum cost if there are unique circumstances that justify exceeding the limitation. Parents must obtain written permission from the LEA in order to exceed this limitation. Reimbursement will not be an amount greater than the actual cost to the parent and will be subject to proof of payment.

When insurance will cover all or partial costs of an IEE, the LEA may request that the parents voluntarily have their insurance pay the IEE costs covered by their insurance. However, parents will not be asked to have insurance cover independent evaluation costs if such action would result in a financial cost to the parents including, but not limited to the following:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy;
2. An increase in premiums or the discontinuance of the policy; or
3. An out-of-pocket expense such as payment of deductible amount incurred in filing a claim unless the parents are willing to have the LEA reimburse them for the amount of the deductible.

As part of a contracted evaluation, and prior to the LEA issuing payment, independent evaluators must:

1. Attend relevant IEP team meeting by phone, virtually or in person to discuss their findings;
2. Provide protocols of all the assessments; and
3. Provide a written report at least five days prior to the IEP team meeting.

The written report must meet all required components as specified in State Law.

Release and Utilization of IEE Results

Independent Evaluators must agree to release their assessment information and results to the LEA prior to receipt of payment for services. The results of the IEE will be considered in the determination of eligibility, program decisions, and placement of the student with disabilities as required by the Individuals with Disabilities Education Act.

Citations:

20 U.S.C. § 1415(b)(1)

34 C.F.R. §300.502

E.C. § 56329

E.C. § 56506

5 C.C.R. § 3030

20 U.S.C. § 1401(3)(A)

E.C. § 56136

E.C. § 56322

34 C.F.R. §300.504(c)(1)

E.C. § 56327

Chapter 22 – Low Incidence Purchasing

Low Incidence Books, Materials, and Equipment Funds

Low Incidence Defined

Low Incidence (LI) disabilities are defined as primary or secondary eligibility under hearing impairments (deaf or hard of hearing), vision impairments (blind or visually impaired), orthopedic impairments or any combination thereof that adversely impact education performance.

Funding Background

Funding for the purchase of specialized books, materials and equipment for students meeting the criteria for low incidence funding of specialized services is provided by the State of California. State funds are available to provide services or to purchase, repair, and conduct inventory maintenance for specialized books, materials, and equipment as required for students who have a primary or secondary LI disability. Funds may be used for all students with an LI disability (0 through age 21). Purchasing specialized equipment and materials for infants with LI disabilities is also an allowable expenditure for Part C funds. It is permissible to “pool” funds to be used by one or more students with LI disabilities. There is no legal limit on the amount of funding for any particular student. As a condition of receiving these funds, each SELPA/LEA is required to ensure that the items purchased are coordinated as necessary.

Determining Primary or Secondary Disability

The determination of a student’s eligibility for special education is the role of the IEP team and includes the identification of a disability as well as determination that the disability impacts the educational process of the student to a degree that requires special education services. Students are assessed in all areas of suspected disability, using a variety of assessment tools and strategies, to gather relevant functional and developmental information that may assist in determining whether the student is a child with a disability who needs special education services.

A student’s IEP must include identification of an LI disability as a primary or secondary disability in order for the student to be eligible to receive equipment and/or services funded specifically through low incidence funds.

Use of Funds

LI funds can be used for materials and/or services for students with a designated LI disability. The materials and/or services acquired through LI funding must meet the following requirements:

1. Required for the student to meet IEP goals and objectives;
2. Required for the student to access general education;
3. Specialized as it relates to a need or the needs of the LI disability; and
4. Identified in a comprehensive evaluation completed by credentialed staff or a provider who is knowledgeable of the LI disability.

Funds for equipment are provided to purchase specialized books, materials and equipment as required under the IEP for each pupil with LI disabilities. Each item to be purchased needs to be specialized and related to the needs resulting directly from the identified LI disability. These needs must be indicated in a comprehensive assessment administered by staff who are credentialed/knowledgeable of the low incidence disability area(s).

For example, large print or braille books for students with visual impairments would qualify for funds while regular textbooks and workbooks would not. Bolsters and mats for students with orthopedic impairments should be a part of basic equipment for the classroom and would not qualify, while specialized or adapted feeding and self-care equipment needed by the students would qualify.

As a condition of receiving these funds, the SELPA/LEA shall ensure that:

1. The appropriate books, materials, and equipment are purchased,
2. The use of equipment is coordinated as necessary,
3. The books, materials, and equipment are reassigned within the SELPA/LEA once the district that originally received the equipment no longer needs them.

There may not be adequate LI funding to provide for low incidence identified needs as documented on the IEP of eligible students with LI disabilities. Lack of LI funds does not remove the LEA responsibility to provide for low incidence identified needs as documented on the IEP. If funds are exhausted in any given year and there are remaining requests, the request will be processed in the same manner by the SELPA/LEA but the LEA will be responsible for funding the purchase the equipment.

Ineligible Equipment

LI funds may NOT be used to:

1. Support staff development or parent education,

2. Furnish medical therapy units,
3. Purchase medical equipment needed for providing specialized health care that is designed to increase, maintain, or improve health status and wellness,
4. Construct or alter facilities, or
5. Supplant funding for books, equipment, and materials that have been provided by other agencies or funding provided through the base program for general or special education students. For example, basic computers or other basic technology should not be purchased with LI funds unless it can be clearly demonstrated to fulfill a specialized function, format, or adaptation directly related to the student's LI disability.

The following is a list of equipment not appropriate for purchase funds:

1. Computer hardware, software, printers, and monitors for general classroom use,
2. Standard classroom necessary toilet devices,
3. Data collection devices used as diagnostic and assessment tools for pupil or teacher,
4. Any duplication of existing classroom equipment for pupil or teacher,
5. Non-specialized recreational equipment,
6. Equipment needed for a private school commonly used in a similar program,
7. Instructional materials used primarily by teachers instead of a pupil, or
8. More than one computer per pupil.

Exceptions will be made when requests and information determine that a special circumstance exists.

Use of Funds for Service

It is the responsibility of the SELPA/LEA to ensure that appropriate services are considered to meet the needs of pupils with LI disabilities. Such services may include:

1. Specially designed instruction related to the unique needs of pupils with LI disabilities provided by appropriately credentialed teachers,
2. Specialized services related to the unique needs of pupils with LI disabilities provided by qualified individuals such as interpreters, note takers, readers, transcribers, and other individuals who provide specialized materials and equipment,
3. Vision and hearing services, e.g., for deaf and hard-of-hearing pupils, services necessary to ensure communication accessible academic instructions, school services, and extracurricular activities.

Expenditures of services are limited to direct services to the pupil or pupils with LI disabilities. Specialized services must relate to the unique educational needs resulting from the pupil's LI disability or disabilities.

Examples may include:

1. Interpreter services
2. Readers and braille transcribers for the blind
3. Specialized health care assistance
4. Orientation and mobility

Funds may not be used:

1. For services to staff
2. To provide services to meet other special education needs of these pupils or regular education needs provided through the base program
3. To supplant existing services
4. To supplant services that may have been provided by another agency

For example, LI funds would be appropriate to allow the county office of education to contract with outside agencies to temporarily provide services for short periods of time when an unexpected increase in need occurs. LI funds would not be appropriate to use for the purpose of replacing existing staff.

Software

The majority of instructional or educational software, or other similar electronic media and materials, that may be used to develop skills or remediate skill deficits, are considered part of general instructional media, like textbooks and other materials that all students use to learn. Typically, these programs are not specified in a student's IEP just as other items like textbooks, videos, and software are not spelled out as to limit staff in using a variety of materials as appropriate. In order to qualify as an "assistive technology", the IEP team would need to demonstrate that the software is needed "to bypass, work around, or compensate for learning difficulties."

There are occasions for which a specific software program may be necessary in order to provide a free and appropriate public education. This usually occurs when the software is very specialized and is the only material available that will enable the student to work towards his/her goals and objectives.

For example: A student with difficulty using paper and pencil has an IEP goal and objective requiring him/her to carry and borrow while computing multiplication/division math problems. In order to work on this goal, the student requires a software program which allows him/her to

independently work problems directly on the computer and bypass using pencil and paper.

For example: A student with a visual impairment has difficulty accessing/reading text on the computer screen. In order to produce written work and access information from the internet, the student requires screen reader software utilizing speech output to access text.

In these instances, it is appropriate to specify such materials as assistive technology in the student's IEP, and this material may also be considered for low incidence funding when that student has a low incidence disability. In general, when software or other peripherals (e.g., alternative keyboards) are recommended as a specialized material or equipment eligible for LI funds, the provision of a computer or a laptop may still be considered part of the general instructional materials or equipment provided to all students. When the computer must be dedicated to the sole use of the LI student, or must be adapted in such a way to make it specialized to that student's sole needs, it is important to document in the student's IEP.

Service Contracts, Repairs, or Rentals

Because LI funding is often the source for procuring expensive and complex technology for student with significant disabilities, IEP teams are often faced with challenges in terms of the appropriate selection and maintenance of such equipment. Given that trials, or rentals, of sophisticated equipment is often the only way to make a good decision about the appropriateness of such equipment for an individual student, short term rentals (e.g., one to four weeks) can be considered a reasonable and even cost-saving measure. For this reason, rental costs will be considered for low incidence reimbursement, providing that adequate funding exists and assessment supports the investigation of the AT equipment.

Complex equipment can break down and may need to be returned for repair. While devices are repaired, students are without technology that is critical to their success. Service or maintenance agreements are a reasonable and cost-saving measure and will also be considered for LI funding. At times these maintenance agreements come with the guarantee of loaner equipment when a device is returned for repair or service. A maintenance agreement or extended warranty should be included with the initial request for funding. This can often be purchased "up front", even though the extended warranty may not be in effect until after the typical one-year warranty expires. In making the determination of how long to extend a warranty, administrators should consider the approximate length of time the device or equipment would typically be appropriate for a student (e.g., the average length of time an AAC device supports an individual student before it becomes "obsolete" is 3-5 years).

Assessment Process

The following parameters must be followed when conducting and reporting the results of assessment for students when requesting LI funding:

1. Assessment is conducted by persons knowledgeable of the disability,
2. Assessment must refer to the unique educational needs, including but not limited to, skills and needs for specialized services, materials, and equipment,
3. Staff who assess the student must submit a written report, or reports, of the results of each assessment, including the need for specialized services, materials, and equipment.

The following are the areas that must be addressed in all assessment reports or summaries of the assessment process that accompany a request for low incidence funding:

1. Identify how the AT supports the student's Individualized Education Plan (e.g., what goal areas in the student's IEP require additional strategies and/or modifications, AT devices and/or services in order to successfully implement; or how the AT supports access to curriculum; or how the AT supports participation in the least restrictive environment),
2. Consider the student's current needs and abilities (e.g., what factors related to the student's low incidence disability are preventing or impeding progress or participation, such as sensory, motor, cognitive, language, or social skills),
3. Identify the different setting in which AT is necessary for the student to participate (e.g., how does the use of AT enable the student to benefit from the least restrictive environment),
4. Document results of trial use of recommended strategies/equipment, if needed,
5. Identify ongoing supports needed to make AT solutions successful (e.g., set-up, training),
6. Affirm that the AT solutions support the student's current educational needs.

Written assessment reports can be in any format, from a report by a low incidence service provider specifically related to the assessment of the needs for the specialized equipment or materials, as part of a more comprehensive initial or annual report, or as part of a multi-disciplinary team report. What is important is to make sure the above six items are included.

Application Process-SELPA

The Low Incidence Equipment Application (LI Application) is used for all low incidence equipment needs. When the LI Application is fully completed with all

required attachments, it provides the necessary information for the SELPA to review and process the requested action.

The LI Application consists of 9 sections. Different sections are completed based on the purpose of the request being made. The table at the top of the LI Application identifies which sections are needed for each purpose. The purpose(s) of the request is indicated by the person completing the request and all required sections are completed and required attachments included in the submitted packet. (See Appendix X for form and guidelines.)

The person completing the application (typically the LI service provider, assessor, or case manager) needs to include a signature and provide an email address. All notifications regarding the application will be forwarded via email. In addition, the LEA Administrator for the program the student attends (district program or PCOE program) must also sign approval and provide an email address for notification for the application to be processed. If the student attends a PCOE program, a signature from the administrator of the district of residence is not required. Although, at the SELPA level, the LEA Administrator should be informed of a district student's approval/denial of a low incidence application. This individual will receive notifications regarding approval, ordering, and delivery of the equipment/materials.

Application Process – LEA

Schools districts will determine a process for monitoring the ordering of equipment for students with orthopedic impairments. This process must ensure that equipment ordered is individualized and unique for the specific student, that the student has an identified orthopedic impairment, and that the items are listed on the IEP to enable the student to access the educational program and progress on IEP goals. Districts will ensure that funds allocated for Low Incidence spending are used to purchase the equipment.

Spare or Replacement Parts for the PCOE Deaf and Hard of Hearing Program

The Deaf and Hard of Hearing program will maintain a small inventory of loan equipment for students in the program. Please see Placer County Office of Education Deaf and Hard of Hearing Program Guidelines for Equipment Loan Library for Amplification Equipment for additional details.

Approval/Prioritization

Upon receipt, the LI Application will be screened for completeness, and the applicant and program administrator will be notified, via email, of any missing items. Once the LI Application is approved, the applicant and program

administrator will be notified. They will also be contacted when the equipment arrives.

If an application is NOT approved, the applicant and administrators will be notified and SELPA/LEA staff will work with them to clarify or resolve any questions, if possible.

The packet will be reviewed for compliance with LI guidelines, including:

1. Student has a documented LI disability on the IEP,
2. Appropriate documentation of assessment process/report available,
3. Requested equipment supports the student's IEP
4. Equipment meets the criteria for "specialized or unique",
5. Equipment meets the criteria for "individualized" versus part of basic materials or classroom supplies, and
6. Equipment is not available through other sources.

In addition, the purchase of the following items would not be appropriate for low incidence funds. LEA's will need to order these as needs are identified:

1. Computer/laptops/printers,
2. Expendable items for a previously ordered piece of LI equipment (e.g., batteries, printer cartridges),
3. Small items of adapted equipment/tools (e.g., headphones, splints).

Furniture will be considered on an individual basis. Decisions will depend on the student's disability and educational setting, if the item is specifically for the student, and if the item increases the student's access to the general education setting or general education peers. LI funds will not be used to purchase furniture for a classroom's use.

SELPA Guidelines

Home Use

On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the student's IEP Team determines that the student needs access to those devices in order to receive FAPE. If the team makes this recommendation, a Home Use Agreement should be executed with the parent(s)/guardian(s). This document does not need to be returned to the SELPA/LEA but should be maintained by the case manager or program manager.

If this determination is made, the District will be responsible for providing the student with the device, or a comparable device, if the student moves out of the district's boundaries. To allow for continuous access for the student, the device

would need to be provided until the new district can obtain a comparable device, or for two months, whichever occurs first.

Loss, Theft, or Damage, Spare or Replacement Parts

If equipment is damaged or in need of repair, the case manager or LI service provider should contact the company/vendor to problem-solve the issue and obtain a repair authorization, if needed. This individual should then deliver the equipment to SELPA/LEA for shipping and repair and complete all required sections of the LI Application for "Repair".

If equipment is lost or stolen, the SELPA/LEA should be notified as soon as possible. The case manager or LI service provider will be asked to complete all required sections of the LI Application for "Replacement/Lost or Stolen".

All instances of theft should be immediately reported to school site administrators and a police report should be filed as soon as possible. A copy of this documentation should be forwarded to SELPA along with the LI Request.

In addition, any requests for spare or replacement parts should be made through the "Additional Parts" sections of the LI Application.

Ownership/Transfer

Any time a student moves from one site to another site in the same LEA, or from one LEA in the Placer County SELPA to another LEA, the case manager or LI service provider must ensure that the equipment follows a student wherever he/she is attending within the SELPA boundaries, at no cost to the receiving district. When a student moves outside of the Placer County SELPA, the SELPA/LEA must first consider if there is another student with a low incidence disability who is eligible and needs the same specialized type of equipment. If that is the determination, this equipment could then be reassigned to the new student.

If the equipment is not needed within the SELPA/LEA by a student with a low incidence disability, there is the option of forwarding the equipment to the SELPA/LEA receiving the student.

If a student no longer requires specialized equipment funded by LI dollars (e.g., has aged out, moved to an unknown SELPA or out of the state of California), then the SELPA/LEA can consider if there is another student with a low incidence disability who is eligible and needs the same specialized type of equipment. At no time can equipment purchased via educational funds leave with a student who is exiting or aging out of school-aged services.

If the equipment is not re-assigned or forwarded with a student leaving the SELPA/LEA, SELPA/LEA will determine whether it can best be utilized in the assistive technology assessment/trial library or can be reassigned to another program or clearinghouse.

Inventory

The State Budget Act requires LEA to coordinate activities such as purchasing, and reassigning of equipment. LEA's are responsible for tracking and redistributing equipment purchased by the LEA or assigning to the LEA by SELPA.

Redistribution of Unused Items

Unused special books, supplies, and equipment purchased with LI funds can be shared with neighboring SELPAs/LEAs. When a student moves into a district within the Placer County SELPA with LI equipment already purchased for them in their last placement, it is the responsibility of the LEA of attendance to secure or document that the equipment could not be transferred. Documentation should be attached to the LI Application form when asking for equipment to be repurchased.

Obsolete Equipment

All obsolete equipment will be removed from the inventory and disposed of according to State and Federal laws and regulations.

Citations:

EC 56836.22

EC 56026.5

EC 56320(g)

56327(h)

E.C. 56205(a)

20 USC 1412(a)(23)

Appendices

- ***LOW INCIDENCE EQUIPMENT PROCESS REQUEST***
- ***HOME USE AGREEMENT***
- ***PLACER COUNT OFFICE OF EDUCATION DEAF AND HARD OF HEARING PROGRAM GUIDELINES FOR EQUIPMENT LOAN LIBRARY FOR AMPLIFICATION EQUIPMENT***

Chapter 23 – Personnel Development

The SELPA shall take steps to assist member LEAs in ensuring that personnel providing special education and related services meet the requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities. Such steps shall include collaboration with local colleges and universities pertaining to teacher education program design and supervision of student teachers and interns, as well as provision of ongoing staff development activities for school personnel.

The SELPA and its member LEAs will support and assist the State's effort and activities to ensure an adequate supply of qualified special education, general education and related services personnel. Each LEA in the SELPA will make an ongoing, good faith effort to recruit and hire appropriately and adequately trained personnel, as defined by state standards, to provide special education and related services to students with disabilities.

The SELPA shall coordinate the ongoing program of personnel development based upon needs assessments that are completed with LEAs in the winter or spring prior to each school year. The SELPA staff develops the needs assessment with the input provided by the SELPA Special Education Administrators Committee. The SELPA Executive Committee of the Council of Superintendents reviews the resulting annual personnel development plan.

The personnel development plan shall include opportunities for all school personnel to participate in ongoing development activities. Planned activities will be provided in collaboration and coordination with staff development activities offered by LEAs within the SELPA and community agencies.

A reasonable budget to cover necessary expenses for personnel development activities will be developed annually. Efforts will be made to operate the personnel development program within the funding received by the SELPA specifically for staff development.

Evaluation and modification of the personnel development program will occur on a continuing basis.

Regionalized Services Support of Personnel Development

The SELPA will facilitate ongoing personnel development to provide appropriate learning experiences and ensure state and federal laws will be followed. Regionalized personnel development opportunities will:

1. Provide participants with the necessary information, training and resources to ensure compliance with special education requirements, as required by federal and state law.
2. Provide the participants with opportunities to engage in activities that enhance personal and professional growth.
3. Meet the needs of personnel, school programs, parents/guardians, and students as they relate to the development and implementation of Individualized Education Programs for students with disabilities.

SELPA will provide regionalized personnel development opportunities to members of the SELPA and others. Personnel development offerings will adhere to the following requirements:

1. Professional development opportunities will be available to representatives from general education, special education, administrators, support staff, paraprofessionals, parents/guardians, CAC representatives, NPS/NPA staff, agencies, and private schools.
2. SELPA will ensure working collaboration with all member LEAs, including County Offices of Education and Juvenile Court Schools, Special Education Community Advisory Committee, Head Start, Children's System of Care (Mental Health, Social Services, Probation, Drug & Alcohol, Community Health), California Children's Services, Alta California Regional Center and Department of Rehabilitation.
3. LEAs and educational representatives will ensure notification of personnel development opportunities is shared with all constituents and will encourage and support attendance.
4. SELPA will ensure that the annual personnel development plan is in alignment with federal, state and local identified needs so that school personnel are prepared to meet the needs of individuals with disabilities.
5. SELPA will include training for new staff as well as provide continuing education opportunities based on annual Needs Assessment Survey results.
6. SELPA and LEAs will collaborate to avoid duplication of in-service content offerings.
7. The SELPA staff will be responsible to individual LEAs for personnel development needs that may arise and, as possible, will provide assistance and resources.
8. Personnel development offerings will be evaluated by workshop attendees, and reviewed as needed by the SELPA staff, to assess effectiveness and to determine future offerings.
9. The SELPA and LEAs will ensure that CAC representatives and parents/guardians have opportunities for input and will be informed of regionalized personnel development offerings.

Use of Media and Recording for Personnel Development

The SELPA recognizes the importance of utilizing multiple training modalities and media for effective personnel development, and notes that multi-media techniques, such as video modeling, have been found effective for training staff that work with students with disabilities.

The SELPA shall seek permission from parents prior to taking or reproducing photographs, audio, and/or video clips (“Recordings”) of students for personnel development purposes. Recordings may only be used by SELPA to the extent that parents have provided written permission of the SELPA Media Authorization and Release Form (“Release”). Any Recordings maintained by SELPA shall be filed with a copy of the Release for each student who is recognizable within the Recordings. The SELPA shall not identify students appearing within Recordings by name in any written materials that may accompany the Recordings.

Personnel Qualifications

SELPA Program Specialists build capacity through a variety of means including, but not limited to the following:

1. Observe, consult with and assist special education and general education staff and administrators in the planning and implementation of Individualized Education Programs (IEP) for students with disabilities.
2. Support the coordination of curricular resources in a manner to make them available and effective for personnel who need resources.
3. In conjunction with the Special Education Administrators Committee and the SELPA Administrator, assess program effectiveness to support the program for individuals with exceptional needs.
4. Participate in school staff development, research, program development, and innovation or special methods and approaches.
5. Provide coordination, consultation, and program development in areas to which the Program Specialist is assigned.
6. Under the direction of the SELPA Administrator, assure that pupils have full educational opportunity, regardless of the District of Residence that is responsible for the student in the Special Education Local Plan Area.
7. Ongoing review of special education programs and procedures in the SELPA and mechanisms for correcting any identified problems. Such review and procedures will be in accordance with any state level procedures but may include local interventions starting at the most direct level of intervention, e.g., district support to the classroom teacher who needs it, or training and instruction in the identified problem area.
8. Assist Local Education Agencies with non-public, non-sectarian and state school placements.

The qualifications for designated instruction and services personnel, related services personnel, and paraprofessionals shall include the following:

1. Be consistent with a state-approved or state-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or designated instruction and services, and related services.
2. Ensure that personnel who deliver services in their discipline or profession meet the requirements of this subdivision and have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.
3. Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education, designated instruction and services, and related services under this part to individuals with exceptional needs.
4. Local educational agencies shall take measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education, designated instruction and services, and related services under this part to individuals with exceptional needs.

Citations:

E.C. § 56195.7)(b)(2)

E.C. § 56195.7)(c)(2)

E.C. §56240

Chapter 24 – Program Review

Legal Requirements of the Assessment

The Placer County SELPA will assist LEAs in conducting ongoing reviews of special education programs including, but not limited to, the following:

1. Review and evaluation of CALPADS data regarding compliance items in all areas, including the 14 State Performance Plan indicators.
2. Establishing a process for regular evaluations of educational benefits.
3. Participation in the state's Annual Performance Review process (e.g., Disproportionality, Significant Disproportionality, Intensive Review) and follow-up activities.
4. Participation in the Differentiated Assistance process due to an indicator related to the special education population of the district; or
5. Other reviews as appropriate.

The SELPA will provide training, consultation, and technical assistance to LEAs in addressing any problems that are identified through one or more of the processes above.

In cases where identified problems persist following implementation of any of the above procedures, the SELPA Administrator shall notify the LEA Superintendent and provide recommendations for further corrective action.

Citations:

E.C. § 56195.7)(j)(2)

Chapter 25 – Program Transfers

It is the intent that all students that require special education intervention receive a free, appropriate public education (FAPE) in the least restrictive environment (LRE). As districts experience growth or decline in ADA, and as districts review programs and services offered by the districts to their students, it will be necessary for each LEA to consider special education program and service delivery models. The operation of programs and related services that will facilitate the students being served in the least restrictive environment will be supported by SELPA practices and procedures. The process of changing the delivery of services from one LEA to another will be considered when there are sufficient numbers of students and intent to provide a quality program.

Legal Reference

No regionalized educational programs and services already in operation in school districts or a county office of education shall be transferred to another LEA or a county office of education or from a county office of education to an LEA unless the SELPA has developed a plan for the transfer that addresses, at a minimum, all of the following:

1. Student needs;
2. The availability of the full continuum of services to affected students;
3. The functional continuation of the current individualized education programs of all affected students;
4. The provision of services in the least restrictive environment from which affected students can benefit;
5. The maintenance of all appropriate support services;
6. The assurance that there will be compliance with all federal and state law and regulations and special education local plan area policies;
7. The means through which parents and staff were represented in the planning process.

Program Transfer Procedures

This policy applies to all LEAs and the Placer County Office of Education (PCOE) in the Placer County SELPA. The policy incorporates the timeframe established by the CDE and must be followed in order to allow an orderly, consistent, legal transfer of program operation that will positively impact the students and employees that will be involved in and affected by the program transfer.

The CDE defines a program transfer and has stated that when the conditions listed below are met, there is a presumptive need to engage in the planning process required. A program transfer is when all of the following conditions are met:

1. The proposed change involves a change in the LEA of service. The movement of students from one service provider to another (LEA) is involved.
2. The change involves the movement of funding locally from one service provider (LEA) to another. The transfer of funds could be accomplished through an agreement between LEAs or through the allocation plan developed by the SELPA.
3. The change must involve one or more employees who would be affected by the provision of the applicable education code.

It is the intent of the Council of Superintendents (COS) that each LEA considering the initiation of special education programs or the transfer of programs being operated by another LEA or by the PCOE will participate in the planning process. The SELPA has established a set of procedures that assure compliance and equitable consideration for both the sending and the receiving LEAs, which are detailed below:

1. In December, Placer County Office of Education will send a letter to all LEAs in the SELPA for the purpose of determining if they are considering the transfer of a program operated by PCOE back to the LEA. LEAs will respond by February 1.
2. Any LEA considering a program or service transfer shall meet in a timely manner with the SELPA Administrator and the appropriate LEA(s) to discuss issues and concerns.
3. Any LEA considering a program or service transfer shall notify the SELPA office in writing of the agency's intent; and the Special Education Administrator's Committee (SEAC), in conjunction with the Executive Committee of the Council of Superintendents (ECCOS), will determine if the request constitutes a program/service transfer. The transfer will take effect in accordance with Education Code §56207(b).
4. Any LEA requesting a program or service transfer shall complete the PCOE program transfer form in accordance with local policies, the Local Plan, and Education Code, in a timely manner.
5. Approval of program transfer or service proposals will be the responsibility of the COS.
6. Funding for a specific program is generated by the average of the current year October's and the April's of the prior year pupil count. For program transfer purposes, funding will be allocated in the same manner and will not be based on the number of students enrolled in the program at the time of the program request. At the time the program transfer would take effect, if the receiving agency's pupil count decreases by half, the receiving agency has the option to not operate the program the year the program transfer would take effect. The receiving agency must make it known that the program would not be operated.
7. Disposition of the equipment, materials, and supplies, including assessment kits, shall be discussed and agreed upon in writing prior to the

- transfer request. The receiving agency is responsible for providing all the appropriate equipment, materials, and supplies to ensure that there is no disruption in the educational program of the students.
8. Any employee that would fall within a “lay-off” situation will receive notification by the employing LEA no later than March 15.
 9. The SELPA Administrator will be responsible for obtaining the signature of the sending or receiving LEA Superintendent, the signature of PCOE Special Education Division Administrator, and the signature of the Chairperson of the COS.
 10. Unless otherwise approved, the receiving LEA shall assume responsibility for program operation on July 1 of the implementation year. The sending LEA will maintain responsibility through the completion of the extended school year (ESY).
 11. All student records will be transferred to the receiving LEA no later than June 30 unless there is mutual agreement between the receiving and the sending LEA.

Future Responsibilities

LEAs transferring programs assume responsibility for placing current and future students in those programs unless they meet the criteria for a more restrictive setting. Additionally, responsibility for assessment of students served in the transferred program lies with the receiving LEA.

Dispute Resolution

In the event that the LEA initiating a program transfer, or any other affected LEA disagrees with the decision of the COS, the dispute resolution procedures outlined in Chapter 19 of the Placer County SELPA Procedural Manual will be followed.

Citations

E.C. § 56000

E.C. § 56205(b)

E.C. § 56207

Chapter 26 – Regional Programs

As part of the Placer County SELPA's efforts to coordinate the provision of a full continuum of special education and related services, and as a means of ensuring that students with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment, LEAs may enter into agreements whereby one LEA operates a program, class, or service on behalf of several LEAs within an identified geographical zone. These programs, classes, or services will collectively be referred to as regional programs.

For purpose of this procedure manual, all IEP team referrals from an LEA participating in a regional program that is operated by another will be considered as IEP team referrals, not inter-district transfers. Placements made into another LEA's regional program as part of an IEP team referral do not require the parent to apply for an inter-district transfer.

Regionalized Programs Operated by Placer County Office of Education

County Regional special education programs are program placement options for LEA students with significant and specific needs which cannot (as determined by the IEP team) be met within the district of residence or a nearby regional program and for who appropriate program options exist within the PCOE class settings.

Additionally, member districts may request related services from PCOE that cannot be provided by their staff. These related services may include speech and language, occupational therapy, adapted physical education, itinerant vision services, itinerant deaf/hard-of-hearing (DHH) services, audiological services, orientation and mobility training, etc.

PCOE Procedures for Billing Excess Costs

The Placer County Office of Education provides specified special education programs and services for LEAs in the county. A SELPA policy to allow the County to bill school districts for the excess costs of County-operated programs is necessary since the County is not funded to cover the costs of the programs.

Administrative Guidelines

1. The Adopted Budget of anticipated excess costs is to be provided by June 30 prior to the fiscal year in which the bill back charge will be levied and at the earliest date when the County Office can determine that projected expenditures for the year in question will exceed the anticipated revenue. Any disagreements are subject to the provision in the Dispute Resolution

- Policy. Such decisions shall be rendered within ten working days by the Responsible Local Agency (RLA) Superintendent.
2. Any agreements between LEAs and the County Office are subject to review and approval by the Council of Superintendents (COS), in accordance with provisions of the Special Education Local Plan, prior to being implemented.
 3. Excess costs are defined as the deficit in funding between special education revenues and special education expenditures. The County Office has the responsibility to provide agreed upon data to substantiate the need for the bill back request.
 4. All agreements must include the formula to be used to compute billable charges, the time frame for payment of charges and provisions for adjusting charges based upon final revenue and expenditure reports of the County Office.

The County Office shall notify and keep the Executive Committee of the Council of Superintendents (ECCOS) informed when it is in the process of negotiating substantive changes with the LEAs of the county which would permit the County Office to charge LEAs excess costs attributed to the operation of special education programs operated by the County Office for benefit of the LEAs.

Extra-curricular Activities and Supplementary Costs for Deaf and Hard of Hearing (DHH) Programs

There are two types of potential supplementary costs associated with PCOE DHH Programs on LEA sites. The types of expenses are defined and responsibility is determined as follows:

1. Facility and Ground Costs: The host LEA/site is responsible for any compulsory expenses required to adapt facilities and grounds in order to meet the established design accessibility requirements of the Americans with Disabilities Act (ADA).
2. Supplemental Program Costs: Additional expenses may also be associated with extra-curricular, co-curricular and ADA activities. Examples may include sign language interpreters and/or interpreter travel costs. Responsibilities related to supplemental program costs are divided by the type of curricular activity.
 - a. Co-curricular activities are tied to a specific class that all students may access as part of the typical school experience. An example of a co-curricular activity may be a zero period such as football or band. Co-curricular costs are associated with the general program and fall to the LEA host site.
 - b. Extra-curricular activities are school sponsored and student focused but are not associated to a specific class. Examples may

include sports activities, dances, academic competitions and other school sponsored events. The PCOE regional program bears the responsibility for costs associated with extra-curricular activities. The activity must be school-sponsored in order for PCOE to pay necessary costs. The primary audience for the extra-curricular event must be the student. The LEA will invoice PCOE to be reimbursed.

- c. Any events focused on parents (such as parent trainings) and adult audiences are the responsibility of the LEA site. Parents that require an interpreter are also the responsibility of the LEA site.

Enrollment for Deaf and Hard-of-Hearing (DHH) Students

Students enrolled in the PCOE regionalized DHH programs typically require extensive inclusion into the host LEA general education classrooms. The students in the DHH regionalized programs are enrolled in the classroom at the host site for participation in the academic curriculum. The K-12 students who require the host LEA to reserve a seat for them in the general education classrooms for a reasonable extent of the academic day will be enrolled by the host site. In these cases:

1. The DHH host site will enroll the students and act as the District of Special Education Accountability (DSEA) for the students.
2. The DHH host site will claim attendance and Local Control Funding Formula (LCFF) funds as well as any Supplemental and Concentration grant funding associated with the students.
3. The LEA where the student resides or the sending charter school will be responsible to fund the excess costs through PCOE billback for the student enrolled in the DHH Program as well as any related services required in the IEP. PCOE will receive AB602 funding for these students and the revenue will be applied to offset overall regionalized program cost.

Forming a Regional Program

Any LEA or group of LEAs may propose the formation or transfer of a regional program. The proposal must be submitted in writing to the SELPA office. The SELPA Administrator, who may seek input from appropriate advisory committees, as determined necessary, will review the proposal. If the proposal involves a program transfer from one LEA to another, the SELPA approved program transfer process must be followed.

Following review of the proposal and in accordance with the program transfer process when applicable, the SELPA Administrator will place the item on the agenda for review by COS and will seek action from the committee regarding a recommendation to COS for approval or denial.

An LEA, or consortium of LEAs, that is proposing to operate a regional program must commit to operating the program for a period of at least three school years following the first day of the first fiscal year beginning after the date on which COS approved the proposed regional program. If the LEA of operation wishes to cease operation of the regional program at the end of that four years, a written notice of preliminary intent to transfer program(s) from one LEA to another must be given by June 30 of the second year of operation. This will allow the LEA of operation to follow the program transfer procedures outlined in Chapter 25 of this manual during the fourth year of operation.

Written Agreement

The LEA of operation and LEAs of residence shall enter into a written agreement specifying the student population to be served by the regional program, the responsibilities of each LEA, the method of payment, etc.

Regional Program Referral Process

When a student is being referred to a regional program, the LEA of residence shall:

1. Complete a referral packet that includes a current psycho-educational assessment, the most current IEP or IFSP (not required for initial referrals to special education), and any other pertinent documents and submit it to the designated contact person for the LEA of operation;
2. Schedule, in collaboration with the LEA of operation, a staffing to include all current and proposed service providers (including those from other agencies) within 15 school days of making the referral;
3. Attend the schedule staffing;
4. Attend the IEP team meeting scheduled by the LEA of operation;
5. Forward all official records, for students who are placed into a regional program by the IEP team, to the LEA of operation following the IEP team meeting; and
6. Arrange for and fund transportation and related supports e.g., bus aides, if necessary, for students who are placed into a regional program by the IEP team, following the IEP team meeting.

The LEA of operation shall:

1. Receive and log referrals;
2. Schedule parent visitations;
3. Review records of student, conduct observations and/or interviews;
4. Attend the staffing scheduled by the LEA of residence;

5. Schedule, in collaboration with the designated contact person for the LEA of residence, an IEP team meeting to include all current and proposed service providers (including those from other agencies), if it is determined that the regional program is a possible option following the staffing, to be held within 10 school days of the staffing, unless otherwise agreed upon by both LEAs;
6. Provide a copy of the notice of the IEP team meeting to parents and all team members;
7. Attend the scheduled IEP team meeting; and
8. Provide enrollment packets/directions, for students who are placed into a regional program by the IEP team, to parents at or following the IEP team meeting.

Interim Placement

When a student moves into the district and it is believed the student will require placement in a regional program, the LEA of residence shall:

1. Complete the enrollment process for the student, including gathering all required documentation, and the administrative transfer process into the LEA of residence.
2. Notify the designated contact person of the LEA of operation by phone/fax/e-mail within two school days of becoming aware of the student transfer; and
3. Forward all available documentation, including IEP and parent contact information to the LEA of operation.
4. Request complete records from previous school district and forward to the LEA of operation upon receipt.

The LEA of operation shall:

1. Review student data and contact the parents immediately;
2. Arrange for interim placement to begin no later than five school days from date of referral from the district of residence; notify district of residence as to school site/class placement;
3. Complete interim placement form;
4. Conduct additional assessment as needed; and
5. Adopt the previously approved IEP and transcribe it to Placer County SELPA forms within the SELPA-approved web-based IEP system or develop and implement a new IEP within 30 days of the student's transfer.

All IEP Meetings Following the Initial or Interim Placement

The LEA of Operation Shall:

1. Schedule, in collaboration with the designated contact person for the LEA of residence, an IEP team meeting to include all current and proposed service providers (including those from other agencies);
2. Provide a copy of the notice of IEP team meeting to parents and all team members; and
3. Attend the scheduled IEP team meeting.

The LEA of Residence shall:

1. Attend the IEP team meeting scheduled by the LEA of operation; and
2. Continue to provide any needed transportation and supports.

Move to NPS/More Restrictive Placement

The LEA of Operation shall:

1. Notify the LEA of residence that a more restrictive placement is being considered;
2. Review all records to ensure that assessments, behavioral reports, behavior intervention plans, counseling, etc. are documented;
3. Perform necessary formal and informal assessments if not current (current = academic, speech, OT performance levels within the past 12 months; psycho-educational assessment within past 2 years);
4. Complete referrals to other agencies (e.g., Behavioral Health); and
5. Convene an IEP team meeting including LEA of residence to discuss possible referral to NPS or more restrictive level of service.

The LEA of residence shall:

1. Review all records with LEA of operation;
2. Search for available placements if needed;
3. Attend the IEP team meeting and make arrangements for new placement, if indicated;
4. Coordinate with other agencies and/or NPS throughout the placement process;
5. Coordinate parent visitations; and
6. Ensure that contracts are in place.

Return to District of Residence

The LEA of operation or the LEA of residence may recommend the possible return of a student to district of residence. When this occurs, the LEA making the recommendation shall notify the other LEA prior to discussing the recommendation with the parents. Following notification, the LEA of operation shall:

1. Prepare a packet of student records (containing a current copy of the student's IEP, the most current full psycho-educational assessment, and any other pertinent documents) and submit it to the designated contact person for the LEA of residence;
2. In collaboration with the LEA of residence, convene and attend a staffing within 15 school days;
3. Convene, in collaboration with the designated contact person for the LEA of residence, an IEP team meeting, to be held within 10 days of the staffing;
4. Send out the notice of IEP team meeting to parents and all team members;
5. Attend the IEP team meeting (for students moving into a less restrictive environment, the IEP must include a transition plan);
6. For students who are returned to their district of residences by the IEP team, forward all official records to the LEA of residence following the IEP team meeting.

The LEA of residence shall:

1. Schedule parent visitations as needed;
2. Review records of student, conduct observations and/or interviews;
3. In collaboration with the LEA of operation, attend a staffing within 10 school days;
4. In collaboration with designated contact person for the LEA of operation, convene and attend an IEP team meeting (for students moving into a less restrictive environment, the IEP must include a transition plan);
5. For students who are returned to their district of residence by the IEP team, provide enrollment packets/directions to parents at or following the IEP team meeting; and
6. For students who are returned to their district of residence by the IEP team, make any changes to transportation arrangements that are needed.

IEP Reviews and Reassessments

The LEA of operation is responsible for conducting all IEP reviews and reassessments of the student while the student is enrolled in the regional program. The LEA of residence shall be invited to all IEP team meetings.

Inter-district Placement

Consideration by the receiving LEA is based on the needs of the student and the availability of space in both the general and special education programs at the school site. Given that the receiving LEA may experience additional costs to provide the program, the Placer County SELPA Procedural Manual provides

policies and guidelines allowing the receiving LEA to bill the sending LEA for the excess costs of programs for students for whom the receiving LEA provides service. When IEP referrals are made from one LEA to another, it is recommended that the LEAs utilize the Placer County SELPA Regional Program IEP Referral MOU. In these types of placements, the following general guidelines apply:

1. The sending LEA is the LEA wherein the child with a disability resides and will function as the District of Special Education Accountability. The receiving LEA is the agency that agrees to provide the special education and related services to the child with a disability. A contact person must be identified from each LEA to facilitate and manage these placements.
2. The sending LEA is responsible for all initial and three-year assessments, including Assessment Plans and parent notifications and will conduct all necessary special education assessments unless alternative arrangements are agreed to in writing.
3. The sending LEA retains responsibility for conducting all IEP meetings including scheduling, sending the Notice of Meeting to parent(s)/guardians and other IEP team members, and completing all other necessary documentation. The receiving LEA will send appropriate representatives to the meeting.
4. The receiving LEA will determine whether it can accept the student based on the services specified in the student's IEP and will negotiate with the sending LEA which services it can and cannot provide. If there are services the receiving LEA cannot provide, the sending LEA is responsible for providing those services.
5. OR The receiving LEA will determine whether it can accept the student and provide all services specified in the student's IEP. If the receiving LEA agrees to accept the student, it may assume responsibility for providing all components as specified in the IEP.
6. The parties agree to consider access to all programs and services depending on the needs of the student and the availability of space in both the general and special education programs. If it is anticipated that space will no longer be available at the beginning of the next school year, the receiving LEA will notify the sending LEA before February 1 of the current school year. The student may continue in the current placement until another appropriate educational placement is available or until the end of the school year, including Extended School Year (ESY) if indicated on the IEP.
7. The receiving LEA will notify the sending LEA if the student is absent for a total of ten days during a three-month period of time.
8. The sending LEA is responsible for and will arrange any specialized transportation.
9. If a parent moves from one LEA to another within the Placer County SELPA, current sending LEA shall notify the receiving LEA and the new District of Special Education Accountability (DSEA) within five days of

- residence change. The student may continue in the current placement and an Interim IEP meeting shall be held by the new DSEA IEP team within 30 days of the change in residence. The new DSEA shall be responsible for transportation during the interim placement.
10. Any additional personnel involved specifically for this student would be the responsibility of the sending LEA.
 11. The sending LEA is responsible for all due process hearings and complaints.
 12. The receiving LEA shall notify the sending LEA when a student has accumulated five days of suspension.
 13. This agreement may be terminated at any time by provision of written notification 30 days prior to the date of termination and completion of commitments for the current school year.
 14. All agreements must be updated annually to reflect the need for services and any increased costs of providing the service.

Disputes

Disputes between the district of operation and the district of residence regarding placement into a regional program or return of student from a regional program to the district of residence shall be resolved using the dispute resolution process outlined in Chapter 19 of this handbook.

Citations:

E.C. §§56140 (d)

Chapter 27 – Alternative Settings

Services to Hospital, STRTP, Resource Family Homes, Homeless, Court and Community School Students

Each Local Educational Agency (LEA) within the Placer County SELPA is responsible for Child Find activities and special education services for eligible students who are hospitalized, homeless, residing in a Short-Term Residential Therapeutic Program (STRTP), living with a Resource Family, and individuals in the juvenile court system or adults (aged 18-21 years of age) incarcerated in California adult jails and prisons if they meet specific criteria. The LEA of residence is responsible for child find, identification, and service provision based on Individualized Education Programs (IEP) decisions.

The Placer County Office of Education (PCOE) is responsible for instructional minutes for students attending court and community schools. For students experiencing homelessness, LEAs will follow AB 490 and the McKinney-Vento Act.

Residency

Students with disabilities that reside at home with their parent(s) utilize the standard enrollment procedures for the LEA/School District in which they reside. There are other instances when residency and school setting may change the enrollment and/or provision of special education services and protections.

An LEA must annually verify parents' address and student's residence. Each LEA maintains its own procedures for establishing a student's residence.

An LEA's responsibility to provide special education services and protections is based on the student's residence. Residence for a student under the age of eighteen (18) is determined by:

1. The LEA in which the parent or legal guardian resides.
2. The LEA in which a student's STRTP/Resource family home is located, unless the student was placed in the STRTP by an IEP team.
3. The LEA has granted the student an inter-district attendance agreement.
4. Enrollment in a charter school.

Students who are emancipated minors or are living with a caregiver residing in a LEA with an affidavit on file are also considered residents of the LEA in which they reside. In addition, students placed in a state hospital within an LEA are considered residents of the LEA in which the hospital is located. Students placed by an IEP team in a program **outside** the LEA (e.g., inter- or intra-SELPA

placement, county program placement, non-public school placement, state special school placement) remain residents of the placing district (District of Special Education Accountability).

Juvenile Hall/Court School Placement

Individuals with exceptional needs who have been adjudicated by the juvenile court may be placed in a juvenile hall or court school program. The Placer County Office of Education is responsible for providing special education services for students residing in such settings. The student's prior and/or future district of residence may be asked to participate in the IEP team process.

Adults in Correctional Facilities Policy

Eligible Adults

Adults who are aged 18-21 years, have not graduated with a high school diploma, who, at the time they turned 18 were identified as an individual with exceptional needs and had an IEP under the Individuals with Disabilities Education Act (IDEA), are also entitled to Free and Appropriate Public Education (FAPE) (hereinafter "eligible adults"). This applies to adults imprisoned in California adult jails and prisons. However, an individual aged 18 through 21 years, who, in the educational placement prior to his or her imprisonment in an adult correctional facility, was not identified as an individual with an exceptional need or did not have an IEP under the IDEA is not entitled to a FAPE. The SELPA will provide technical support to any LEAs identified as the District of Residence (DOR) for students age 18-21 who are incarcerated in county jail and remain eligible for special education to assist in meeting the LEA obligation.

District of Residence Responsibilities

For eligible adults who prior to reaching the age of majority resided within Placer County SELPA geographic boundaries, the applicable LEA within the SELPA shall ensure they have available to them a FAPE. If the parent relocates to a new district of residence, the new district of residence shall become the responsible LEA. If the student is conserved, the district of residence of the conservator shall attach and remain the responsible LEA, as long as and until the conservator relocates or a new one is appointed. At that time, the new district of residence shall attach and become the responsible LEA.

The school district where the pupil's parent resides is responsible for providing special education and related services to a qualifying individual who is incarcerated in a county jail. Therefore, every LEA in Placer County could be responsible to provide, or contract to provide, special education and related services to eligible incarcerated young adults if the youth's parent resides in the district, even if the student is incarcerated outside of the school district's

boundaries. This includes obligations for all of the rights afforded by the IDEA and related state law including child find/search and serve, the provision of FAPE in the least restrictive environment (LRE) and the right to due process.

The following special education requirements **do not** apply to eligible individuals who are convicted as adults under State law and incarcerated in adult prisons:

1. The requirements related to participation in general assessments; eligible individuals incarcerated in adult prisons are exempted from participation in state and district-wide assessment programs under the IDEA.
2. The requirements related to transition planning and transition services do not apply with respect to such individuals whose eligibility under the IDEA will end because of their age before they will be released from prison.
3. The IEP team may modify the individual's IEP or placement notwithstanding the LRE requirements and the IEP contents requirements if there is a bona fide security or compelling legal interest that cannot otherwise be accommodated.

Resource Family Home

A Resource Family Home or a home certified by a Foster Family Agency (FFA) is a family residence which is licensed by the state, or other public agency, to provide 24-hour nonmedical care and supervision for not more than six foster children, including, but not limited to, individuals with exceptional needs. AB 409 strongly favors educating pupils in foster care in their school of origin. If a dispute over placement arises, the student may remain in the school of origin until the dispute is resolved. Each LEA must designate an educational liaison for foster children. If the liaison and parent(s)/guardian agree to placement other than school of origin, the student must be enrolled in the new placement immediately. The LEA in which the foster home is located is responsible for providing or contracting for special education services. The Resource Family or FFA staff member is responsible for enrolling the child in the LEA in which they reside. Enrollment data should include all relevant contact information for the student, including who holds educational decision-making rights. The student must be enrolled even if the records normally required cannot be produced.

Homelessness

Homeless students are defined as those who lack fixed, regular and adequate nighttime residence including those:

1. Unsheltered location (cars, parks, abandoned buildings)
2. Public or private place not designed for or regularly used as accommodations (e.g. garage)

3. Emergency shelters or Transitional housing
4. Motels, hotels, trailer parks or campgrounds due to the lack of alternative adequate accommodations
5. Doubling Up (sharing the housing of others due to economic hardship, loss of housing, unsafe housing, etc.)
6. Substandard housing (e.g. no utilities, infestations, broken windows)
7. Students displaced by natural disasters

The McKinney-Vento Homeless Assistance Act (Federal Law 42 USC 11432, et seq.) requires an LEA to provide continuous and uninterrupted education to homeless children in the student's school of origin for the duration of their homelessness OR for the remainder of the academic year if the student becomes permanently housed during the academic year UNLESS this is not in the student's best interest. The school of origin is defined as the school the student attended when permanently housed or the school in which the student was last enrolled.

Short Term Residential Therapeutic Program (STRTP)

Each district shall be responsible for the provision of special education and related services to individuals with exceptional needs residing in STRTPs and Resource Family homes located within the geographical area of the district. Each district shall first consider services operated by the district or other districts within the Placer County SELPA. If the special education services available within the entities are not appropriate, then the district shall contract with an appropriate service provider for implementation of the pupil's IEP.

When a student with special needs is considered for residential placement at an STRTP located within the Placer County SELPA, it is the responsibility of the STRTP to obtain required information from the receiving agency/case worker **prior to making the placement**. In addition, the STRTP must contact the Placer County SELPA **and** local (district) Foster Youth Liaison. These steps will assist the LEA staff to determine an Interim Educational Placement. In order for the LEA to determine an appropriate Interim Placement, the STRTP must provide the LEA copies of the following documents:

- Current IEP
- Current Psycho-educational evaluations
- Additional educational evaluations, progress reports, copies of past IEPs, and psychiatric evaluations
- Current health information including diagnosis, medications including administration instructions, and all other pertinent information
- Current STRTP contact person and contact information from previous LEA

Upon receipt, the LEA will review documents to determine an appropriate Interim Placement in the LRE. For students living in an STRTP, the LEA must consider services in programs operated by public agencies **prior to placing** the student in a non-public school. It is the responsibility of the LEA, not the STRTP to make the Interim Educational Placement decision. An LEA is not authorized to make payments for an educational placement unless it has been recommended and agreed to by an IEP team. Payment for educational placement will be based upon the date of receipt of parental consent of the IEP, as well as a current fully executed Master Contract and Individual Service Agreement with the Nonpublic School (see *Chapter 28: Nonpublic School Placement for more information*).

Students without a Current IEP

STRTP staff will:

- Notify the LEA of the new resident by contacting the school secretary at the local home school within one (1) business day of placement.
- If upon review of the student's educational records the LEA suspects that the child may have a disability, the LEA will generate an Assessment Plan to assess the student to determine eligibility for Special Education.
- Following a review of student records, the LEA will notify STRTP staff regarding enrollment at the local home school.

Students with a Current IEP

An IEP team meeting will be scheduled within 30 days of the Interim Placement to modify the IEP if needed. The LEA serving the student will initiate the 30-day IEP meeting. The LEA will schedule the IEP and invite the designated STRTP home contact.

Students Absent from School (including suspensions)

When a student is absent from school due to suspension, illness, or other reason STRTP staff will notify the office at the school of attendance prior to 9:00 a.m. regarding the reason for the absence and expected duration of absence. STRTP staff will make arrangements with school office staff to pick up missed class work and homework from the school office. All missed class work and homework assignments will be completed and returned to school within 3 days of the reported absence. STRTP and school staff will work collaboratively to ensure that STRTP residents are receiving continuity of instruction during periods of absence.

Students Leaving Residency at an STRTP

When a student leaves an STRTP, the STRTP will notify the LEA by contacting the designated LEA liaison and indicating the last day of residency at the STRTP.

For students transferring between STRTP home sites, STRTP staff will contact the designated LEA liaison to schedule an IEP review. In addition, the LEA will notify Placer County Foster Youth Services of the change in residency status to support the student's transition to his/her new place of residence.

Students Served in Independent Home Study

If the LEA determines that an Independent Home Study placement is necessary, the LEA will contact STRTP staff within 2 business days of receiving the necessary student information from STRTP staff regarding enrollment in the LEA's Independent Home Study program. If applicable, LEA will arrange transportation for the student and inform STRTP staff of the transportation schedule.

- For students suspected of having a disability and placed in the LEA's Independent Home Study Program, the student will remain in the Independent Home Study Program until assessment is completed and an IEP meeting is held to discuss eligibility for special education.
- For students enrolled in the LEA's Independent Home Study Program, STRTP staff will be responsible for providing homework support. Homework support will include a structured daily homework program that will allow the student a quiet setting, provide school supplies, access to a computer and Internet when needed, etc. STRTP staff will also allow Foster Youth Services access to the student to address homework needs as applicable. STRTP staff is responsible for bringing the student, and the students completed homework to all Independent Study appointments. Completed student homework determines and accounts for attendance. The LEA's School Attendance Review Board (SARB)/School Attendance Monitoring (SAM) process can be initiated if the student is not regularly attending independent Home Study appointments with completed work.

The following is a summary of pertinent Educational Rights of Foster Youth:

	California Education and Welfare Institution Codes
To attend school of origin or immediate enrollment in the local public school.	Foster youth removed from home and placed in another school district have the right to be transported to the prior school of origin or immediately enrolled in the new school if it is in their best interest as determined by the educational rights holder and the child, in consultation with the LEA foster youth liaison. EC 48853.5(f)(1)

To have the LEA foster youth liaison ensure proper placement of foster student.	The new school's foster youth liaison must contact the last school to obtain all missing student's records. The liaison ensures and facilitates proper educational placement, school enrollment, transfer of credits, records and grades, and checkout from school when there is a school change. Transfer of records must be processed within two business days of receiving the request. EC 48853.5(f)(8)(c)
Local Public School Preferred	Children placed in an STRTP or with a Resource Family shall attend a mainstream public school program unless the child has an IEP requiring placement in a non-public school or agency (EC 48853); or the person holding educational rights determines that it is in the best interest of the pupil to be placed in another educational program, or that the pupil continue in his or her school of origin pursuant to EC 48853.5(g)(8)(A) and EC 48853(a)(2).
Immediate Enrollment	If it is determined that the foster child will be changing schools, the new school must immediately enroll the foster child even if there are outstanding fees, fines, textbooks, or other items due to the previous school or if s/he does not have the clothing or records normally required for enrollment. EC 48853.5(f)(8)(B)

Hospital Placement

It is the responsibility of each LEA to assure that appropriate educational services are provided to special education students while confined to hospitals within the SELPA for extended periods of time. This is applicable only to those students found eligible for special education programs and services. Hospital placement may be applicable to students placed in a public hospital, state licensed children's hospital, proprietary hospital, or other health facility as defined in Sections 1250-1250.3 of the Health and Safety Code.

It is the responsibility of the district of residence of the student placed in any hospital as defined above to notify the district in which the hospital is located of the placement and to cooperate with this district in the development of an appropriate IEP to be used during the time the student is confined to the hospital. It becomes the responsibility of the district in which the hospital is located to provide the required programs and services as specified in the student's IEP.

Programs or services provided to students while confined in a hospital setting may be provided by a regular education teacher or a special education teacher. Appropriately credentialed related services providers may also be used to provide services. Districts may also contract with an appropriate service provider for implementation of a student's IEP.

If a non-public, non-sectarian school is also operated by the hospital or health facility and the student's IEP team designates this school to provide services for a student during confinement, the school district in which the parent(s)/guardian resides has the responsibility for the educational placement and services. The IEP team must make this recommendation for non-public school placement and services.

Home/Hospital Instruction

An IEP team may consider providing special education supports and services to a student in a home or hospital setting based on:

- A temporary disability not related to their eligibility for special education (e.g., surgery, accident, short-term illness or medical treatment);
- A chronic health impairment or serious illness;
- When a medical report from a physician or psychologist (in this case a clinical psychologist, not school psychologist) documents a diagnosed condition and certifies that the severity of the condition prevents the student from attending a less restrictive placement.

For a student with an active IEP in a less restrictive setting, home and hospital placement MUST be determined through the IEP process. Discussion should include:

- Review of relevant medical data
- Consideration of all educational options
- A specific duration for services
- A plan for returning the student to the least restrictive setting

Modification of goals and services must be agreed to by the IEP team and should support the student maintaining previous academic progress.

Instruction in the home or hospital may be provided by a regular class teacher, special education teacher, or appropriate designated instruction and services personnel as determined by the IEP team.

Parent Initiated Enrollment

Charter Schools

Charter as a School within the Sponsoring District: Charter schools that are deemed to be a public school within an LEA participate in either the same manner as other schools within the LEA or as described for ensuring and/or providing special education services.

LEA Charter: Charter Schools that are deemed an LEA for the purpose of special education must participate in an approved SELPA as an LEA. The independent charter is responsible for providing a full continuum of special education services for all students with disabilities enrolled in their school.

For more information on Charter School services, please see Chapter 18.

Private School

Parents may choose to enroll their child in a private school. The private school is responsible for providing interventions, holding problem solving team meetings, and referring an individual with a suspected disability to the LEA in which the private school is located. The district where the private school is located is responsible for responding to the referral and conducting any necessary assessments (although they are encouraged to do this in conjunction with the district in which the student resides). The district where the student resides is responsible for completing the IEP process and making an offer of FAPE. The district wherein the private school is located is also responsible for providing any services agreed to in a Private School Service Plan (See Chapter 14: *Parentally Placed Private School Students* for more information.)

Citations:

20 U.S.C. § 1400(d)(1)(A), (B), (C)

20 U.S.C. § 1412(a)(1)(A)

E. C. § 56000

E.C. § 56026(c)(4)

20 U.S.C. § 1412(a)(1)(B)

E. C. § 56040(b)

E. C. § 56041

Chapter 28 – Nonpublic School/Agency Services

Nonpublic Schools are privately operated, publicly funded schools that specialize in providing educational services for students with needs so exceptional that they cannot be met in a public school setting. Nonpublic Agencies are privately operated agencies that provide Individualized Education Plan (IEP) related services to students through a contract with the local, public, educational agency (LEA).

The SELPA recognizes certified nonpublic schools (NPS) and nonpublic agencies (NPA) as one placement option in a full continuum of placement options provided by LEAs and public agencies. Nonpublic school placement or nonpublic agency services will be provided only when all public school programs have been explored and it is determined by an IEP team that no appropriate placement is available in public schools to meet the needs of the individual student in the manner and to the extent required by law.

Placement Considerations

Before specifying placement in an NPS or services from an NPA, the IEP team must document efforts to utilize public schools. The IEP will list all placement options discussed and considered, and in the event that the IEP team selects an NPS or NPA option, the IEP will specify the anticipated date of return to the public school setting.

SELPA provides the support of Program Specialists (assigned to each LEA in the SELPA) to assist IEP teams in exploring alternative program options and to monitor certified NPS placements of students.

Each certified nonpublic school must provide appropriate special education facilities as well as specialized academic instruction and services required by the individual with exceptional needs based on his/her current IEP. Every student placed in a certified NPS services must qualify for special education and related services as detailed in an Individualized Education Plan (IEP).

Following determination by the IEP team that the student requires a certified nonpublic school placement, the LEA will identify one or more certified nonpublic schools that can implement the student's IEP effectively.

LEA staff, or SELPA Program Specialist, will provide parent(s)/guardians an opportunity to visit potential placement options in as timely a manner as possible. The LEA is responsible for making an offer of placement based on the student's unique needs and programs/services offered at certified nonpublic school sites and grade/placement availability at each site. The LEA may also take into consideration distance/transportation and other cost-related factors as long as the LEA's recommendation can provide an appropriate program for the student's

individualized needs. For certified nonpublic agency services, the LEA is responsible for identifying potential contractors with the qualifications to meet the child's IEP service needs.

Regulation of Nonpublic Schools/Agencies

Prior to providing services through an NPS or NPA, the responsible education agency must enter into a master contract. The master contract specifies the general administrative and financial agreements between the NPS or NPA and the responsible education agency. The SELPA limits contracts between member LEAs and nonpublic schools and agencies to those certified by the California Department of Education. The SELPA and member LEAs will determine their authority to visit, observe, monitor and report on the educational programs provided by any NPS or NPA under contract with a member LEA or involved in a potential placement by a member LEA. This authority will be reasonably applied.

The Placer County SELPA Administrator has been authorized to enter into master contracts with NPSs and NPAs on behalf of the member LEAs. Following execution of a master contract, an Individual Service Agreement (ISA) must be developed, executed, and implemented by the responsible LEA that outlines the specific special education and related services that will be provided to the individual student. The SELPA Administrator will provide guidance and assistance in this process when requested.

The master contract will include procedures for billing of NPS and NPA services, attendance reporting requirements, assurances of appropriately credentialed staff, fingerprinting requirements, a written course of study that provides the appropriate credits necessary for graduation, state testing, progress reports, confidentiality of and access to student records, medication permission and documentation, and other items necessary to assure appropriate educational, health and safety practices for the student.

The SELPA shall evaluate the staffing qualifications and staffing levels required as set forth in the master contract. At least on an annual basis, as part of the renewal of the master contract process, staff qualifications will be reviewed. Review will also occur when new staff are added. The SELPA shall review and document these monitoring efforts of the master contract to ensure that all services agreed upon and specified in the IEP/IFSP are provided by qualified staff.

The LEA that contracts with an NPS or NPA shall evaluate the service provision of its pupil(s) on an annual basis as part of the annual IEP/IFSP review. The LEA shall document their efforts to review and monitor the ISA in conjunction with the master contract, and the IEP/IFSP to ensure that all services agreed upon and specified in the IEP/IFSP are provided.

The LEA is required to complete an onsite visit prior to the placement of a pupil and at least one onsite visit annually as long as a pupil is attending the school. The monitoring visit shall include, but is not limited to:

1. A review of services provided to the pupil through the ISA between the LEA and NPS/NPA;
2. A review of progress the pupil is making toward the goals set forth in the pupil's IEP/IFSP;
3. A review of progress the pupil is making toward the goals set forth in the pupil's Behavior Intervention Plan (BIP), if the pupil has a BIP;
4. An observation of the pupil during instruction; and
5. A walkthrough of the facility.

The LEA shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the onsite visit.

NPSs are required by the master contract and the IEP/IFSP to annually evaluate pupils to determine if they are making appropriate educational progress. The LEA shall review the evaluations or reports of progress completed by the NPS to ensure that they are appropriate and valid for measuring pupil progress. The NPA services have similar requirements. The LEA will maintain similar monitoring requirements. The LEA may choose to administer additional assessments as necessary, with parent consent, to determine whether the pupil is making appropriate educational progress. In addition, an IEP/IFSP review may also be requested at any time to review student progress.

LEA personnel and parent(s)/guardians of students currently receiving educational services in a certified nonpublic school setting may visit the nonpublic school site at any time. This is also true of students receiving services at an agency location. Placer County SELPA Program Specialists also make routine visits and observations of students currently in nonpublic school placements. In addition, Placer County SELPA staff may conduct quality reviews of any nonpublic school currently serving students within the SELPA.

Parent Placement without LEA Consent

If the parent(s)/guardian elect to place a student in a private school or contract with a private provider without the consent or referral by the LEA, the reimbursement of the cost of the private school placement or service may be reduced or denied if, at the most recent IEP (prior to the removal of the student from public school in the case of NPS placement), any of the following has occurred:

1. The parent(s)/guardian failed to inform the IEP team that they rejected the placement offer;
2. The parent(s)/guardian failed to state their concerns and intent to place the student in a private school or with a private service provider;

3. The parent(s)/guardian failed to provide the LEA written notice within ten business days (including holidays which occur on a business day) prior to the removal of the student from school or services;
4. The LEAs offer of placement/services provides FAPE.

Any disagreement between parent(s)/guardians and an LEA regarding the availability or appropriateness of special education programs or services may be subject to due process procedures.

Changes in District of Residence

A K-8 school district shall notify a high school district of all students placed in certified nonpublic schools or receiving certified nonpublic agency services prior to the annual review of the IEP for each student who may transfer to a high school district the following year.

When a student, receiving services in a certified nonpublic school or through a nonpublic agency, moves outside of the boundaries of the LEA, the parent(s)/guardian shall immediately report the change of residence to the administrator of both the former and new LEA and the certified nonpublic school/agency. As agreed to by the terms of the contract, the contracting certified nonpublic school/agency shall immediately notify the new LEA of the transfer and (in the case of an NPS) provide a copy of the student's records, including the IEP, and the contract for services with the certified nonpublic school. The fiscal responsibility of the former LEA shall terminate on the last day of the student's residence in that LEA.

When the receiving LEA is located within the Placer County SELPA, within fifteen (15) working days of receiving the student's records, the LEA shall conduct a review of the student's IEP to determine whether or not the nonpublic school placement/service is still appropriate. The following factors shall be considered in determining the appropriateness of the pupil's current placement:

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

If the student's nonpublic school/agency placement is considered appropriate in keeping with the federal mandate of LRE, the receiving LEA shall execute a new ISA for services with the certified nonpublic school/agency. If the placement is considered inappropriate, or the LEA is able to serve the student within the public school setting or with public school personnel, 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/or program placement.

When an LEA within Placer County SELPA receives notice of a change in residence of a student from outside of the Placer County SELPA, the same procedures should be followed. However, the LEA will need to determine if a master contract is in effect with the current certified nonpublic school/agency, and if not, request one be executed by the Placer County SELPA.

Residential Treatment Center (RTC) Placements

RTC placements are a highly restrictive environment and require a high level of thought, consideration and care when placing students to ensure that the student's unique needs can be met by the facility. Facilities range in level of care and expertise. Please consult with a SELPA Program Specialist to assist your team as you consider an out of region RTC placement. Should your IEP team elect to place a student in an RTC, the district/LEA should consult the California Department of Education's (CDE's) approved list of NPA/S. The IEP case manager should work with the SELPA to procure a master contract and individual service plan. When considering out of region placement, it is important to work closely with your SELPA Program Specialist.

Reporting Out-of-State Placement To CDE

When a student is placed out-of-state, the CDE request that the district/LEA report this placement. The district/LEA is required to submit the "Reporting of Out-of-Sate Nonpublic, Nonsectarian School and Agency Placement" form within 15 days of the placement decision. This form can be found in the Appendix of this document.

LEA Responsibilities for Students in RTC

The LEA is responsible for consultation on educationally related mental health services, case management, and follow-up care such as:

1. Face-to-face contacts with the child and facility.
2. Monitoring the case monthly with the vendor and assuring ongoing communication is established.
3. Assuring monthly reports and behavior emergency reports are received from the vendor. The facility is required to send monthly interdisciplinary team summaries along with any ongoing incident reports to the LEA.

The LEA shall initiate an IEP team meeting at least bi-annually; sooner if needed.

1. The RTC will update the parent and IEP Team on the student's therapeutic progress.
2. The SELPA may attend the IEP meeting, if deemed necessary, in person or via telephone conference.

3. Team members will monitor progress to assure that educational interventions and supports are effectively decreasing symptomology to support the student returning to home.
4. The LEA should have a plan in place to support the student with transitioning back into the community and school. The IEP needs to include appropriate mental health services to support the student in school, as well as linkages within the community to support home behaviors and the family. The community linkages are to be documented on the Notes Page of the IEP. The IEP also describes the process for monitoring the student's progress once he or she returns home.

Travel Reimbursements

Parents may be reimbursed for travel costs to visit their child placed in an RTC via the IEP process. The purpose is to engage the parent in training and/or therapy, to help the parent understand their child's special needs, and to build capacity for reunification of the student to the home environment. Typically, such travel is associated with initial placement, subsequent therapeutic visits to meet with the child and his or her therapist, therapeutic visits home, and/or discharge. Such arrangements must be preapproved by the LEA, local procedures must be followed to claim reimbursement, and plans (i.e., frequency of parental visits to site and/or student trips home per year) must be documented in the IEP.

If the IEP team determines that a student needs to be transported to or from the RTC using an escort service, the need shall be documented in the student's IEP and the LEA will pay this cost directly to the provider.

The limits and procedures cited below should be followed by a parent to maximize likelihood of the reimbursement. Because the list is not exhaustive, the parent should discuss any other requests with the LEA prior to expending funds.

Pre-Authorization for Visit

The RTC must provide the LEA with written documentation of the exact dates of visits planned for therapeutic purposes before travel is approved. If more than one day of family therapy is requested, sessions must be on consecutive calendar days only, with two days maximum. Since the focus is on educational progress and benefit, visitations must be scheduled on weekdays (Monday through Friday) and exclude holidays that fall on weekdays. At least 30 calendar days before a planned visit begins, the parent must complete a Travel Authorization Form that can be obtained from the LEA. The form must be approved by the LEA and RTC, verifying that the travel is for therapeutic purposes per the IEP. The form should include cost estimates for travel, including airfare, lodging, rental car (as appropriate). The LEA will then contact the parent regarding approval status and reimbursement eligibility.

Travel Arrangements

Travel arrangements are to be made by and paid for by the family unless other arrangements are made in advance. In some cases, the district may choose to make the flight, hotel, and/or car rental reservations for visits on behalf of the parent and/or child and inform the interested parties of this in the IEP meeting.

1. Airfare: If the RTC is 200 or more miles away from the parent's home address, parents should book only the least expensive airline ticket, at least 30 days in advance, and fly in the most direct and economical route possible for the location being visited. If air reservations are made less than 30 days in advance, reimbursement will be only up to the price of the air flight set for 30 days in advance.
2. Car: Any miles driven in a private car will be reimbursed mileage in a direct route from home to the RTC round trip. The mileage reimbursement rate will be the LEA adopted rate for employees. The total reimbursement for mileage shall not exceed the cost of economy airfare for the parent and student to the residential placement site. An independent mileage website (i.e., Google) will be used to verify the mileage calculation.
3. Rental Car: If a rental car is required to travel from the airport to the hotel and/or from the hotel to the facility, the LEA will reimburse the cost of an economy or compact car for the length of the authorized stay. Additional optional insurance coverage and navigational devices or other special equipment on the rental car will not be reimbursed.
4. Parking Fees, Shuttle/Taxi Services: individually determined by case.
5. Lodging: If the RTC is located 150 miles or less from the parent's home address, overnight visits will not be at LEA expense. If lodging is not provided at the residential facility, the LEA will reimburse hotel expenses for one room for up to the number of nights and at a nightly rate preauthorized. Maximum reimbursement for lodging is based on the local hotels available and their current rates.
6. Meals: Meals will be reimbursed for the parent(s) at the district per diem rate during the reasonable course of travel and in accordance with district policy.

Duration of Visit

Unless evidence of need is provided in advance by the RTC, the duration of a family visit to the facility will be authorized for no more than 2 nights. If the visit lasts longer, the reason must be stated in writing, signed by an authorized staff member at the RTC, and presented to the LEA Special Education Administrator for consideration of reimbursement.

Emergency Visit

There may be a rare instance where a visit to a student in RTC or a home visit by the student needs to be made for unpredictable, emergency conditions. The LEA will consider each situation on a case-by-case basis and may reimburse for

charges made during these times as long as legitimate attempts were made to effectively communicate the need and travel occurred in the most cost-effective manner possible.

Documentation

The parent is responsible for submitting documentation to the LEA. For cash expenditures, original itemized receipts are required. For check expenditures, original itemized receipt and a copy of the front and back of the check. For credit card or debit card expenditures, the itemized credit card or debit card receipt, a copy of the monthly billing statement indicating the charged amounts (with other charges and personal account information redacted). For airfare, submit itemized passenger ticket receipts indicating date, passenger name, destination, and cost. For car rental reimbursement, present itemized original payment documentation. The cost of gas will be reimbursed if original gas receipts are provided.

For meals, itemized original payment document indicating the date, name and location of the restaurant signed by the parent. The LEA needs to clarify the department or person to which required documentation is to be submitted and the timeline (typically within 60 days of return). It is recommended that the parent make and retain a copy for their files.

Non-Allowed Expenditures

Any visits not on the IEP or expenses beyond those described in the IEP will be borne by the parent. Non-Allowed Expenditures may include travel expenses for siblings or other family members, expenses which exceed regular or customary fees (i.e., First Class/Business Class airfare, excess baggage fees, ticket change fees, accommodations, luxury vehicle, alcoholic beverages, luxury hotel, in room movies, entertainment, snacks, tips, phone call charges), or other extraordinary expensed as determined by the LEA.

APPENDICES:

- TRAVEL REIMBURSEMENT REQUEST AND CLAIM FORM
- REPORTING OF OUT-OF-STATE NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY PLACEMENT

Citations:

E.C. § 56205,

E.C. § 56365

E.C. § 56366.1-56366.12

Chapter 29 – Coordination of Services with Other Public Agencies

The Placer County SELPA advocates for students with disabilities by supporting a comprehensive coordinated service delivery plan for the students that include SELPA, PCOE, Local Education Agencies (LEAs), state agencies, and local community agencies working together to improve outcomes for children. Interagency agreements and other means for interagency coordination are in effect to ensure services required for a free appropriate public education (FAPE) are provided, including a continuation of services during an interagency dispute resolution process.

Provision of Services from Other Agencies

The LEA is responsible for obtaining all services and service providers needed as outlined in the Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP). The LEA shall monitor the statutory timelines to ensure services are provided without delay.

Procedures for Obtaining Related Services Provided by Another Agency

The Placer County SELPA has interagency agreements with California Children's Services (CCS) and Alta California Regional Center (ACRC). CCS provides occupational therapy and physical therapy when it is medically necessary and meets eligibility criteria. ACRC provides various support services to eligible consumers based on an application process.

Assurance of Services When Another Agency Fails to Provide Related Services

When another agency providing a related service fails to provide the service listed on the IEP/IFSP, the LEA is responsible and shall provide the service in accordance with an IEP/IFSP, unless otherwise provided by law, without a disruption in service, and at no cost to the parent/guardian. The LEA would then have the option of seeking reimbursement from the agency through due process.

The SELPA Administrator will facilitate and negotiate interagency agreements for the provision and coordination of services by other public agencies that are funded to serve children with disabilities. In addition, the SELPA Administrator is responsible for communicating with state and local agencies on behalf of member LEAs as needed.

Interagency Agreements

This section provides an overview of agreements with agencies that coordinate with the Placer County SELPA via Interagency Agreements/MOUs.

Placer Community Action Council (PCAC)/Head Start

The Placer County Action Council operates KidzCommunity Head Start, Early Head Start, and State Preschool programs to support children birth to five years of age. Families must meet Federal Head Start and/or State Preschool requirements to be enrolled. The eligibility requirements are based on age and income.

The interagency agreement between Placer County SELPA and the Placer Community Action Council is intended to:

1. Clarify the requirements of each agency, describe procedures, and define services which will be provided by each agency.
2. Establish a communication system to ensure available resources are utilized in the most effective manner and ensure non-duplication of services.
3. Maintain coordination and cooperation in the delivery of services to ensure that those children needing special education and related services receive them in the least restrictive environment.
4. Establish a system to ensure a smooth transition for children with disabilities between Early Head Start to Part B services and Head Start to public/private school programs.
5. Empower families by building parent confidence, skill and knowledge in accessing resources and advocating to meet the special needs of their children.

Guidelines and delineation of responsibility between Placer County SELPA and Placer County Action Council are provided in the areas of:

1. Child Find and Recruitment: All children with disabilities who require special education must be identified, located, and evaluated. It is the intent of the Placer County SELPA to actively identify, locate and evaluate children with disabilities from birth through 18. The child find system is coordinated by SELPA.
2. Assessment and Referrals for Evaluation: All children with disabilities who require special education must be identified, located, and evaluated. Each child who is suspected of having a disability and needing special education who is referred for assessment shall have the benefits of a transdisciplinary assessment process, administered in the child's native language, and no single procedure shall be used as the sole criteria for assessment.
3. Enrollment and IEP: Enrollment of children with disabilities in Head Start must meet the policies and procedures of both LEAs and Head Start. An Individualized Education Program must be developed and implemented for each child with a disability to receive special education and related services in the least restrictive environment. Both LEAs and Head Start have responsibilities for development and implementation of IEPs. In

- cases where children solely meet Head Start criteria for disabilities services, but do not meet LEA special education criteria, Head Start will jointly develop a 504 plan, with SELPA consultation, identifying accommodation needs. Placer County SELPA and PCAC agree that all IEPs will be jointly developed and implemented as described in the IEP.
4. Transition: Young children with disabilities and their families shall be assessed and receive support in planning transitions between special education, Head Start and Kindergarten/elementary programs. PCAC and SELPA agree that an established collaborative system will ensure a smooth transition for children with disabilities and families to and from programs.
 5. Joint Training of Staff and Parents: Training and technical assistance shall be provided for the implementation of early education programs for preschool programs serving preschool children with disabilities.
 6. Resource Sharing: Funding is provided to LEAs for services to preschool age children with disabilities and their families in Head Start. PCAC and SELPA will explore collaborative funding models. Resource sharing is part of this interagency agreement to ensure non-duplication of services and to continue exploring provisions of providing special education in the least restrictive, comprehensive, quality Head Start preschool environments.

California Children's Services (CCS)

What does the law say?

Under IDEA and related state law, children with disabilities have a right to a FAPE. A FAPE is made up of special education and related services. Related services can include developmental, corrective, and supportive services such as PT and OT, as may be required to assist a child with a disability to benefit from special education.

In 1984, AB 3632 added Chapter 26.5 to the Government Code because "the California Legislature determined that existing programs to provide support services to children with handicaps who were of school age were not sufficiently coordinated." (Note: that portions of AB 3632 related to delivery of educationally-related mental health services were repealed by AB114 in 2011; however, the sections related to CCS were unaffected by this bill). This statute requires CCS to deliver medically-related OT and PT as "related services" through the IEP process, with all of the safeguards, protections and processes inherent in developing and offering and providing FAPE.

Definitions of Medically Necessary and Educationally Necessary OT and/or PT

Medically necessary OT and/or PT is usually undertaken as an adjunct to medical treatment for acute and chronic conditions to ameliorate an underlying

disability. The goal of medically necessary therapy is to improve global functioning through the use of a variety of modalities. Educationally necessary OT and/or PT is provided in the school to help the child access educational service and benefit from his/her educational program. In the school, educational goals hold a primary position, while occupational therapy goals are undertaken to support the educational goals. The significant ways in which clinical therapy and school therapy differ are summarized below:

MEDICALLY NECESSARY THERAPY

1. Assumes an underlying case with diagnosis based on etiology;
2. Evaluation to reveal underlying problem;
3. Dysfunction is within the student;
4. Therapy goals are primary;
5. Intervention is directed toward alleviation of a specific medical problem;
6. Services tend to be delivered individually in a clinic or hospital setting;
7. Focus is based on components of movement as it relates to functional ADL (Activities of Daily Living) skills. The focus is on functional outcomes;
8. Few responsibilities are delegated except to parents;
9. Clients come to a clinical setting to see the therapist.

EDUCATIONALLY NECESSARY THERAPY

1. Assumes no underlying cause. Focus is on what behavior or functional need is to be accomplished;
2. Evaluation to determine what functional problem needs resolution (targeted behavioral outcome);
3. Dysfunction is a mismatch between student's abilities and what is being demanded or asked;
4. Educational goals are primary;
5. Intervention is directed toward facilitating educational progress;
6. Services are collaborative. Much time must be given to communicating with other service providers;
7. Focus is on functional skills and adaptations that promote the attainment of educational objectives;
8. More responsibilities are delegated to parents and other educational professionals;
9. The therapists work in the school setting.

Assessment Considerations

All children are assessed in all areas related to their suspected disability by those qualified to make a determination of the child's need for service before any action is taken with respect to the provision of related services, including OT and/or PT. In order to determine the need for medically necessary OT and/or PT, the assessments are conducted by qualified CCS medical personnel as specified in the regulations developed by the State Department of Health Services in consultation with the State Department of Education. The decision of whether OT and/or PT are medically necessary is up to CCS staff alone. IEP teams may also

assess and determine whether OT and/or PT services are educationally necessary. The assessment of these services is provided by the LEA and LEA qualified staff.

What happens when CCS conducts an assessment?

When CCS staff conduct an assessment:

1. The recommendation of the person who conducted the assessment shall be reviewed and discussed with the parent(s)/guardian and the appropriate members of the IEP team;
2. When the proposed recommendation of the person has been discussed with the parent(s)/guardian and there is disagreement on the recommendation pertaining to the related service, the parent(s)/guardian shall be notified in writing and may require the person who conducted the assessment to attend the IEP team meeting to discuss the recommendation;
3. The person who conducted the assessment shall attend the IEP team meeting if requested;
4. Following this discussion and review, the recommendation of the person who conducted the assessment shall be the recommendation of the IEP team members who are attending on behalf of the LEA.

What happens when CCS makes a recommendation for service?

Whenever a related service is considered for inclusion in the child's IEP, the LEA shall invite the responsible public agency (CCS) representative to meet with the IEP team to determine the need for the service. If they are unable to attend, then the representative shall provide written information concerning the need for the service. Conference calls, together with written recommendations, are acceptable forms of participation. If the CCS representative is unable to attend, the LEA shall ensure that a qualified substitute is available to interpret the evaluation.

Who provides the OT and/or PT services?

A related service shall only be added to a child's IEP by the IEP team. LEAs provide those related services contained in a child's IEP that are necessary for the child to benefit educationally from his or her instructional program. They are responsible for provision of only those services which are provided by qualified personnel whose employment standards are covered by the Education Code and implementing regulations. CCS is responsible for the provision of medically necessary OT and/or PT, by reason of a medical diagnosis and when contained in the child's IEP. LEAs provide the necessary space and equipment for the provision of medically necessary OT and/or PT.

What other provisions are stipulated in the inter-agency agreement between Placer County SELPA and Placer County Health and Human Services – CCS?

1. The SELPA Coordinator and the CCS Medical Therapy Administrator act as liaisons between both agencies, and meet regularly to collaborate and communicate about any issues that arise;
2. Each LEA in the SELPA will identify a liaison, who will:
 - a. Monitor any referrals by the LEA for CCS services;
 - b. Keep the IEP team informed of the status of any referrals;
 - c. Keep the IEP team informed of the status of any CCS services;
 - d. Forward the therapy evaluation report and proposed CCS Medical Therapy Plan to the IEP case manager for inclusion in the student's cumulative file;
 - e. Forward the Medical Therapy Conference Appointment Notice to the IEP team (this serves as notification of a possible modification to the current IEP). If any member of the IEP team plans to participate in a medical therapy conference, they must notify the parent(s)/guardian and CCS of their intent to attend.
3. The CCS Medical Therapy Administrator will:
 - a. Obtain parent(s)/guardian consent to Assessment Plans and Medical Therapy Program services;
 - b. Forward to the LEA a copy of the signed Therapy Assessment Plan so that an IEP can be scheduled within 60 days;
 - c. Ensure that assessments are completed in 30 days; the evaluation report and proposed Medical Therapy Plan will be reviewed with the parent(s)/guardian and a copy sent to the LEA;
 - d. A Medical Therapy Conference will be scheduled so that the plan can be reviewed/approved by the CCS physician; notify the LEA of this conference and forward the signed Medical Therapy Plan to the LEA.
4. In regards to IEP meetings:
 - a. When requesting CCS's participation in an IEP meeting, the LEA will coordinate the time with CCS and provide 10-day notice to CCS.
 - b. CCS will give the LEA 10-day notice of an impending change in the CCS Medical Therapy Program services that may necessitate a change in the IEP.
 - c. CCS will participate in the IEP when requested to attend (in person or by telephone/conference call).
 - d. CCS will provide the IEP team with a copy of the therapy evaluation report and proposed Medical Therapy Plan that includes recommended goals and frequency and duration of service. Services should be documented in the IEP notes. (Example: Per the most current Medical Therapy Plan dated xxx, CCS will provide medical-necessary OT and PT 6 times a year for OT monitoring; 1 time per week for PT based on the physician's prescription.) These services will be reviewed/revised through the Medical Therapy Conference process (every 6 months). If the physician

prescription/Medical Therapy plan changes, CCS will notify the school district and the IEP team will reconvene to note changes.

What happens if CCS is unable to provide services?

When CCS has notified the LEA that CCS is unable to provide the medically necessary OT and/or PT services, the LEA will provide those services identified in the CCS approved Medical Therapy Plan and contained in the IEP until CCS has the staff to again provide the service. With prior notice, the LEA may bill CCS for those medically necessary therapy services identified in the plan and contained in the IEP. The LEA will submit documentation including treatment activities and progress on agreed upon goals.

How are students transported to CCS during the school calendar/school day?

The LEA will provide transportation to and from the Medical Therapy Unit and school during regular hours of the school day as deemed necessary and appropriate to ensure services as identified in the IEP are delivered. The LEA may provide transportation from the MTU to school in the morning, or from school to the MTU at the end of the school day, with agreement and participation by the parent(s)/guardian to deliver the child to the MTU before school or pick up the child from the MTU after school. CCS and the LEA will collaborate regarding scheduling of service, taking into consideration transportation, school schedules, etc.

Alta California Regional Center (ACRC)

The state of California has 21 Regional Centers that provide specialized services for people with developmental disabilities. Placer County SELPA is located within the service area of Alta California Regional Center.

Regional Centers provide diagnosis and assessment of eligibility and help plan, access, coordinate and monitor the services and supports that are needed because of a developmental disability. There is no charge for the diagnosis and eligibility assessment. Once eligibility is determined, a case manager or service coordinator is assigned to help develop a plan for services, provide information on where services are available, and assist families with obtaining services. Most services and supports are free regardless of age or income.

Some of the services and supports provided by the regional centers include:

1. Information and referral
2. Assessment and diagnosis
3. Counseling
4. Lifelong individualized planning and service coordination
5. Purchase of necessary services included in the individual program plan
6. Resource development
7. Outreach
8. Assistance in finding and using community and other resources
9. Advocacy for the protection of legal, civil and service rights

10. Early intervention services for at risk infants and their families
11. Genetic counseling
12. Family Support
13. Planning, placement, and monitoring for 24-hour out-of-home care
14. Training and educational opportunities for individuals and families
15. Community education about development disabilities

ACRC and the Placer County SELPA maintain an agreement relating to the implementation of Part C (Early Start) of the Individuals with Disabilities Education Act (IDEA). The parties of this agreement include Placer County SELPA, ACRC, and the LEA within Placer County SELPA currently authorized to provide infant services, the PCOE Infant Development Program. The agreement defines the financial responsibilities of each agency, procedures for resolving disputes, and other required components necessary to ensure effective cooperation and coordination between education and the Regional Center including:

1. Coordination of child find activities;
2. Coordinated referral procedures for both ACRC Early Intervention Services and the PCOE Infant Development Program;
3. Intake procedures;
4. Assessment procedures and exchange of information;
5. Individualized Family Service Plans (IFSPs)
6. Transition procedures;
7. Service coordination.

In addition, an additional memorandum of understanding is coordinated between ACRC and the LEAs within the following SELPAs: Colusa County SELPA, El Dorado County SELPA, El Dorado Charter SELPA, Elk Grove Unified School District/SELPA, Folsom Cordova Unified School District/SELPA, Natomas Unified School District/SELPA, Nevada County SELPA, Placer County SELPA, Sacramento City Unified School District/SELPA, Sacramento County SELPA, San Juan Unified SELPA, Sierra County SELPA, Sutter County SELPA, Tahoe/Alpine SELPA, Twin Rivers Unified School District/SELPA, Yolo County SELPA, and Yuba County SELPA. The purpose of this interagency agreement is to describe collaborative standards of practice between these SELPAs as it relates to the delivery of services for children and families served by both agencies. The understanding outlines the responsibilities of each agency as they relate to:

1. Administration
2. Transition
3. Child Find
4. Exchange of Information
5. Assessment of Students/Clients
6. IEP and IPP (Individual Program Plan) Development

7. Transition for Respite Services
8. Related Services to Students/Clients
9. Student/Client's/Parent's Rights and Protections
10. Student/Client Relocation
11. Programs/Services
12. Dispute Resolution

Diagnostic Center, Northern California

The Diagnostic Center, Northern California, provides high-quality, individualized services to special education students, their families and school districts. Services are provided by expert, interdisciplinary teams of diagnostic professionals, including educational specialists, speech/language specialists, secondary specialists, school psychologists, clinical psychologists, and pediatricians who address the unique educational needs of Northern California's most difficult to serve students enrolled in special education programs. The Diagnostic Center, Northern California, is one of the three regional assessment centers operated by the State Special Schools and Services Division of the California Department of Education. The Centers provide assessment, training and technical assistance to all LEA's in California.

Eligible Students are California residents between the ages of 3 and 22 who:

1. Receive public special education services
2. Are not progressing despite local school efforts
3. Demonstrate a complex learning and/or behavior profile
4. Require assessment beyond district capabilities to define educational needs
5. Would not be more appropriately assessed by other agencies

IEP Teams interested in accessing the assessment services of the Diagnostic Center should consult with their SELPA Program Specialist to ensure that all local resources are exhausted before making a referral to the Diagnostic Center. LEAs must have current, updated psycho-educational and related service provider assessments prior to making a referral. The following is the link for accessing referral information online: <http://www.dcn-cde.ca.gov>

California Schools for the Deaf/Blind

IDEA requires public agencies to ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum includes "regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions" [34 CFR 300.115]. Schools for the deaf and schools for the blind are schools required to be included in this continuum.

A child's educational placement is based on his Individual Education Program (IEP), which is developed by the IEP team, based on the student's needs. The IEP and placement must be designed to provide the child a Free Appropriate Public Education (FAPE). The placement must be in the Least Restrictive Environment (LRE), and one in which the IEP can appropriately be implemented. For some deaf and hard of hearing children and some blind and visually impaired children the LRE is a specialized setting. According to the United States Department of Education:

1. "Any setting which does not meet the communication and related needs of a child who is deaf, and therefore does not allow for the provision of FAPE, cannot be considered the LRE for that child. The provision of FAPE is paramount, and the individual placement determination about LRE is to be considered within the context of FAPE." [U.S. Department of Education, Deaf Students Education Services, Policy Guidance, Notice, 57 Fed. Reg. 49274 (October 30, 1992)]
2. "Some [blind and visually impaired] students have been inappropriately placed in the regular classroom although it has been determined that their IEPs cannot be appropriately implemented in the regular classroom even with the necessary and appropriate supplementary aids and services. In these situations, the nature of the student's disability and individual needs could make it appropriate for the student to be placed in a setting outside of the regular classroom in order to ensure that the student's IEP is satisfactorily implemented." [US Department of Education, Educating Blind and Visually Impaired Students: Policy Guidance from the Office of Special Education and Rehabilitative Services, 65 Fed. Reg. 36586 (June 8, 2000)]

IDEA clearly requires States to provide a continuum of alternative placements which includes provision of services and supports in specialized schools for children who are deaf or hard of hearing and children who are blind or visually impaired.

Given full access to communication, children who are deaf or blind can achieve at the level of hearing and sighted peers. These programs are based on the beliefs that students should:

1. Fluently receive and express communication in the manner(s) best suited to their abilities;
2. Be taught through methods and approaches that are tailored to their strengths;
3. Learn from deaf or blind role models, including teachers;
4. Engage in the same curriculum as hearing/sighted peers;
5. Acquire the practical skills and abilities needed to facilitate interaction with hearing/sighted individuals in environments designed for hearing/sighted people;

6. Receive the services necessary to help them succeed academically and socially and later, vocationally or professionally;
7. Have their families become skilled in providing appropriate support.

Placement at California School for the Deaf and/or California School for the Blind is based on the recommendation of the IEP team. Students are referred by their LEA for a (60-day) "Assessment for Suitability of Placement (ASP)". For information about either program and to arrange program visitations, it is recommended that LEAs work directly with their SELPA Program Specialist.

California School for the Blind
500 Walnut Ave
Fremont, CA 94536
(510) 794-3800
www.csb-cde.ca.gov

California School for the Deaf
39350 Gallaudent Drive
Fremont, CA 94538
(510) 794-3666
www.csdeagles.com

School-based/Classroom Observations by Outside Individuals

It is the recommendation of the Placer County SELPA to structure outside observations of school-based programs by individuals not employed by the SELPA, Placer County Office of Education or Local Education Agency for the following reasons:

1. Confidentiality;
2. Impact on the learning environment;
3. Time away from task by staff;
4. Additional stressors in the learning environment;
5. School safety

Individuals requesting an observation shall conform to the specific policies and procedures of the LEA and school site. Generally, all observations are scheduled in advance, with the reason for the observation, qualification (position) of the person making the observation, and specific standardized observational measures to be used (if any) shared with the school contact person or administrator. For pupils with disabilities, the LEA Special Education Administrator shall have the authority to grant/deny requests. All observations should be hosted by an LEA staff person of a similar background or position. The LEA staff person should also make observational notes of the same visitation.

Considerations

1. Observation is for a specific pupil, and information about other students cannot be shared, nor used as a basis for placement, diagnosis, or comparative data specific to other students.
2. Specific areas of concern that form the basis for the observation must be shared with the LEA administrator or school contact person prior to the observation. If a specific standardized observation measure is to be used,

- the name of the instrument/tool along with documentation by the parent authorizing use of the instrument/tool must also be shared.
3. Generally, observations are for no longer than 30 minutes.
 4. In no way may the observation of a specific student be used as an evaluation of a staff person, credentialed or certificated. All evaluations are subject to LEA policies. In the event an observer has any comments regarding the performance of any staff person, either positive or negative, this information shall not be included in any written report and shall be provided to the supervisor as necessary and appropriate. LEA complaint procedures are available upon request.
 5. It is understood that Regional Center, Mental Health, and/or California Children Services staff may have specific needs to observe at school. These guidelines are in addition to any guidelines contained in the interagency agreement with each agency. LEAs shall collaborate to assure that the observation is completed within the guidelines and within a reasonable period of time from the original request.

All concerns at a given school shall be referred to the LEA Special Education Administrator. Any concerns of a given LEA shall be referred to the SELPA Administrator.

Citations:

20 U.S.C. 1401(26)

E.C. § 56363

Government Code 26.5 7572 7572(d)

Government Code 26.5 7572(b);

Government Code 7575(a-e)

E.C. § 56205

20 USC 1412 (a)(12)

20 USC 1413 (1)(a)

Chapter 30 - SELPA Regionalized Services and Program Specialist

SELPA Administrator

Under the direction of the Executive Committee of the Council of Superintendents, the SELPA Administrator shall be responsible to:

- Develop, implement, supervise, and provide for the evaluation of the Regionalized Services program.
- Prepare and submit approved annual budget and service plans.
- Oversee the review and submission of the Placer County SELPA Local Plan at least every three years.
- Meet with the Council of Superintendents (COS) to keep them informed of the status of the special education programs as needed.
- Serve as Secretary of the Executive Committee of the Council of Superintendents (ECCOS) and confer with the Chairperson to develop the agenda and report minutes of the meetings.
- Establish a procedure for the regular distribution of the agenda and minutes of meetings of the COS, ECCOS, Special Education Administrators Committee (SEAC) and Placer County SELPA Community Advisory Committee (CAC).
- Serve as the Chairperson of SEAC and assist SEAC members to implement each LEA's responsibility under the Local Plan.
- Function as or appoint a designee as a liaison secretary to the CAC to assist in promoting community involvement and work closely with the Committee to develop recommendations to be presented to SEAC and ECCOS.
- Prepare an annual budget for Regionalized Services to be submitted to the COS in the spring prior to the start of the school year.
- Develop and maintain interagency agreements with appropriate public agencies to ensure a full range of special education programs and services.
- Report on the status of special education programs and services within the SELPA for the COS and others, as appropriate.
- Recommend employment of, assign, supervise, and evaluate SELPA staff employed by the RLA.
- Provide assistance to SELPA staff to carry out their responsibility to ensure that all pupils have access to full educational opportunity.
- Provide necessary procedures and data to the RLA to allocate federal and state funds to the LEAs within the SELPA.
- Provide support to the LEAs of the SELPA in their operation of special education programs and services.
- Monitor the appropriate use of federal, state and local funds allocated for special education programs.

- Prepare program and fiscal reports required of the SELPA by the State and manage the CALPADS data system to comply with all state requirements.
- Confer with the RLA Superintendent to schedule regular meetings of the COS. Schedule regular meetings for the ECCOS, SEAC and CAC for policy and budget development, support, and information sharing.
- Ensure the implementation of all federal, state and local responsibilities of the SELPA, including personnel development and procedural safeguards and other assurances.
- Develop and recommend to COS a plan for personnel development, including training for staff and parents.
- Coordinate procedures to assist LEAs with NPS/NPA services, including responsibility for negotiating rates and executing Master Contracts on behalf of all LEAs in the SELPA.
- Assist LEAs in mediation and due process hearings.
- Recommend to COS a plan for sharing of Regionalized Services funds when Local Education Agencies are required to perform duties related to staff development, fiscal and accounting reports or other data gathering activities associated with required reporting activities.
- Include, to the extent possible, COS, ECCOS, SEAC and CAC in each of the hiring phases for the SELPA Support Coordinator and the SELPA Program Specialist.

Regionalized Services and Program Specialists

Local Assurances

As a condition of receiving funds for regionalized services and direct instructional support of program specialists, the SELPA assures that all regionalized operations and services listed below are provided in accordance with the local plan:

- A coordinated system of identification and assessment.
- A coordinated system of procedural safeguards.
- A coordinated system of staff development and parent education.
- A coordinated system of curriculum development and alignment with the core curriculum.
- A coordinated system of internal program review, evaluation and effectiveness of the local plan, and implementation of a local plan accountability mechanism.
- A coordinated system of data collection and management.
- A coordinated system of alternative dispute resolution processes.
- Coordination of interagency agreements.
- Coordination of services to medical facilities.

- Coordination of services to licensed children's institutions and foster homes.
- Preparation and transmission of required SELPA reports.
- Fiscal and logistical support of the CAC.
- Coordination of career, vocational and transition services.
- Coordination of transportation services for individuals with exceptional needs.
- Means by which full educational opportunity is ensured.
- Fiscal administration and the allocation of state and federal funds.

Program Specialists

Program Specialists are employed through the RLA and serve the SELPA under the direction of the SELPA Administrator. The SELPA Administrator evaluates the program specialists.

Each program specialist must possess a valid special education credential, clinical services credential, health services credential or pupil services credential with a school psychology authorization. Program specialists shall have advanced training and related experiences in the education of individuals with disabilities and a specialized in-depth knowledge in one or more areas of disabling conditions. A program specialist may do the following:

- Observe, consult with and assist special and general education staff and administrators in the planning and implementation of Individualized Education Programs (IEP) for students with disabilities.
- Coordinate curricular resources in a manner to make them available and effective for personnel who are in need of resources.
- In conjunction with the Special Education Administrators Committee and the SELPA Administrator, assess program effectiveness to support the program for individuals with exceptional needs.
- Participate in school staff development, research, program development, and innovation or special methods and approaches.
- Provide coordination, consultation, and program development in areas to which the Program Specialist is assigned.
- Under the direction of the SELPA Administrator, assure that pupils have full educational opportunity, regardless of the District of Residence that is responsible for the student in the Special Education Local Plan Area.
- Ongoing review of special education programs and procedures in the SELPA, and mechanisms for correcting any identified problems. Such review and procedures will be in accordance with any state level procedures but may include local interventions starting at the most direct level of intervention, e.g., district support to the classroom teacher who needs it, or training and instruction in the identified problem area.

- Assist Local Education Agencies with non-public, non-sectarian and state school placements.

Chapter 31 Federal Assurances

Federal Assurances

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.

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.

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 and a practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.

Individualized Education Program and Individualized Family Service Plan 20 USC § 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 their 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.

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 education environment occurs only when the nature of the 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.

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.

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.

Confidentiality 20 USC § (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).

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.

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.

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 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 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 provision of the California Education Code, Part 30.

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.

Governance 20 USC § 1412 (A)(13)

It shall be the policy of this LEA to support and comply with the provision 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.

Personnel Qualifications 20 USC § 1412 (A)(14)

It shall be the policy of this LEA to ensure that personnel providing special education and 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 (CDE) about staff qualifications.

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 CDE and provide data as required by the CDE.

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.

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, and will be used to supplement and not to supplant state, local and other Federal funds.

Maintenance of Effort 20 USC § (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.

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, and

are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

Rule of Construction 20 USC § 1412 (A)(20)
(Federal requirement for State Education Agency only.)

State Advisory Panel 20 USC § 1412 (A)(21)
(Federal requirement for State Education Agency only.)

Suspension/Expulsion 20 USC § 1412 (A)(22)
The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. 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.

Access to Instructional Material 20 USC § 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.

Overidentification and Disproportionality 20 USC § 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.

Prohibition on Mandatory Medicine 20 USC § 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.

Distribution of Funds 20 USC § 1411 (E),(F)(1-3)
(Federal requirement for State Education Agency only.)

Data 20 USC § 1418 (A-D)
It shall be the policy of this LEA to provide data or information to the CDE that may be required by regulations.

Reading Literacy (State Board Requirement, 2/99)
It shall be the policy of this 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.

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.

Additional Elements of Procedure Manual

Utilization of General Education Resources

Each LEA shall ensure that a pupil is referred for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized. Such resources may include, but not be limited to, response to intervention models, student success teams, early literacy programs, and remedial programs.

Reading Criteria

Each LEA shall ensure that all eligible children with disabilities will participate in the California Reading Initiative in order to improve their educational results. Special education instructional personnel will participate in staff development in-service opportunities in the area of literacy that includes:

- Information about current literacy and learning research.
- State adopted standards and frameworks.
- Increased participation of students with disabilities in statewide student assessments.
- Research-based instructional strategies for teaching reading to a wide range of diverse learners in order to increase the percentage of children with disabilities who are literate.

Access to Core Curriculum

Each LEA shall ensure that students with disabilities will have access to:

- All required core curriculum including state adopted core curriculum and supplementary materials.
- Instructional materials and support.