

# **SALT LAKE CITY SCHOOL DISTRICT SPECIAL EDUCATION PROCEDURES**



**Salt Lake Center for Science Education**



**This Procedures Manual ensures the implementation of special education services in Salt Lake City School District, Salt Lake Center for Science and Education, and Open Classroom. It is to be used in coordination with the Utah State Board of Education Special Education Rules – June 2018 and the annual Special Education Quick Reference Guide. It is further to be used in coordination with the Utah State Office of Education Special Education Specific Learning Disabilities, Least Restrictive Behavioral Interventions, Caseload, and Graduation Guidelines.**

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**Purpose of the  
Salt Lake City School District  
Special Education Department Procedures Manual**

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The purpose of these procedures, technical assistance papers, and other information is to assist and provide clarification for school teams in implementing the Individuals with Disabilities Education Act (IDEA 2004 as amended) in accordance with federal regulations and Utah State Board of Education Special Education Rules.

Additional assistance and clarification are available by contacting the Special Education Department.

# **GENERAL PROVISIONS**

## I. GENERAL PROVISIONS

### A. Policies and Procedures.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education (SLCSD, OC, and SLCSE), in providing for the education of students with disabilities enrolled in its schools, has enacted various, procedures and programs.

The policies, procedures and programs are consistent with the Individuals with Disabilities Education Act Federal Regulations (34 CFR Parts 300 and 303), Utah State Board of Education Special Education Rules (USBE SER), Salt Lake City School District Policy S-12—Equal Educational Opportunities for Students with Disabilities. The policies and procedures are described in this document and its supplemental procedures. Additional clarification for implementation of sections in this Procedures Manual will be provided by contacting the Salt Lake City School District Special Education Department or viewing the Compliance on Demand modules developed by the Special Education Department.

### B. Definitions.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education has adopted all definitions as found in USBE SER, Section I and II (pages 1-54)

### C. Budget Information and Categories.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education provides detailed budget information and budget categories in its annual application for IDEA Part B funding that is submitted to the Utah State Board of Education.

### D. Assurances.

Students are admitted to Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education in accordance with District policies and without discrimination due to of age, gender, gender identity, color, disability, national origin, sexual orientation, pregnancy, race, religion, or genetic information. Assurances with regard to compliance with IDEA Part A and Part B, as well as the National Instructional Materials Accessibility Standard, and compliance with other federal laws, and the Drug-Free Workplace Act of 1988 are submitted to the Utah State Board of Education (USBE) annually with the application for IDEA Part B funding.

E. Free Appropriate Public Education (FAPE).

SLCSD, OC, and SLCSE provide a free appropriate public education (FAPE) to all eligible students in accordance with IDEA and USBE  
FAPE is defined as special education and related services that:

1. Are provided at public expense, under public supervision and direction, and without charge;
2. Meet the standards of the USBE and Part B of the IDEA;
3. Include preschool, elementary school, and secondary school education in Utah; and
4. Are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of Part B of the IDEA and USBE and these procedures.
5. See USBE SER Rule 1.E.17

F. Location of Special Education forms and Quick Reference Guide

Salt Lake City School District, Open Classroom, and Salt Lake Center for Science Education Department of Special Education Quick Reference Guide and the Forms and Documents referred to in these procedures are located in the Special Education department Sharepoint, accessible from the district web page. [www.slcschools.org](http://www.slcschools.org).



## II. IDENTIFICATION, LOCATION, AND EVALUATION OF STUDENTS SUSPECTED OF HAVING DISABILITIES

### A. Child Find.

In accordance with USBE SER, SLCSO, OC, and SLCSE identify, locate, and evaluate students ages three through 21 who reside within the district's boundaries, as well as (a) students attending private schools within the district's boundaries, (b) students who are highly mobile, (c) students who have been suspended or expelled from school, (d) home schooled students, (e) students in state custody or care (f) students in nursing homes (g) students who have not graduated from high school with a regular high school diploma, (h) students who are suspected of being a student with a disability and who are in need of special education or special education and related services even though they are advancing from grade to grade, and regardless of the severity of the disability. The District's child find procedures includes a practical method for determining which private school students may need or are eligible for special education and related services.

### B. Child Find Procedures.

SLCSO, OC, and SLCSE conducts the following activities to ensure that students suspected of having a disability are identified and located:

1. In identifying and locating students who are suspected of having a disability but have not been previously identified or determined eligible for special education and/or related services, SLCSO, OC, and SLCSE implement the following activities:

- a. Annual training for all school administrators on the Child Find obligation and how to be alert for observed behaviors and or concerns that suggest a suspected disability.
- b. Notice in all school main offices of the referral procedures if a student is suspected of having a disability.
- c. Notice on the Special Education department website of the referral procedures and of the availability of services for eligible students with disabilities.
- d. Annual notice in District student handbook of the referral procedures and of the availability of services for eligible students with disabilities.

- e. Annual notice in local private preschools, elementary and high schools of the referral procedures and of the availability of services for eligible students with disabilities.
  - f. Annual consultation with private schools concerning the identification of eligible students with disabilities.
  - g. Other community outreach efforts that contain information for parents of how to contact SLCSD, OC, and SLCSE if they suspect that their child may have a disability, such as monthly preschool screeners, letters sent to physicians, school newsletters and letter to community agencies.
1. Salt Lake City School District, Open Classroom, and Salt Lake Center for Science Education collaborate and coordinate with the Part C Early Intervention Provider (D.D.I.), through an interagency agreement. This interagency agreement is aligned with the Utah State Board of Education's transition from Part C to Part B statewide interagency agreement to ensure that students with disabilities are identified, located, evaluated, and have FAPE available by age 3, if eligible.
  2. Tracking of Child Find activities is done by each school's special education Local Educational Administrator (LEA). Each LEA maintains a record of all Child Find activities conducted at their school.

C. Referral.

1. Procedure.

When a parent, adult student, or staff member suspects a student may have a disability, the following referral procedures shall be implemented:

- a. Once a request has been received or staff has identified a possible disability, classroom teachers shall gather essential information about the student's educational history and implement research-based and/or peer-reviewed academic and/or behavior interventions for the area of concern for a specific period of time. The information must be documented on the Initial Data Review Documentation form, which shall be reviewed by a school's Student Services Committee (SSC).
  1. If a parent makes a referral for special education it does not automatically trigger an evaluation. It does trigger action to investigate the concern.
  2. Before a teacher presents the concerns in the SSC meeting, a meeting should be held with the parents of the student to inform them of the school's concerns and afford them meaningful participation in the process.

- b. Interventions may not be used to substantially delay an evaluation for eligibility if it is deemed necessary after consultation with the district Special Education Department.
- c. The SSC shall be responsible for determining if a referral for a comprehensive special education evaluation to assess the suspected areas of disability is warranted.
- d. The completed Initial Data Review Documentation form, accompanying data, and the referral form shall be given to the LEA to review the existing data and determine if the referral should go forward with a comprehensive special education evaluation.

If it is decided that the evaluation should take place, the LEA will assign the resource teacher to serve as case manager to oversee/coordinate all areas to be assessed as part of the evaluation. The assigned staff member will complete all required forms using forms necessary to inform the parents of the referral and proposed evaluation.

If a parent referral is not going to result in a full evaluation, including formal testing, the LEA, in collaboration with the Director of Special Education, will send the parent(s) a Written Prior Notice of refusal to take the action of conducting an evaluation.

## 2. Referral of Students receiving Alternative Language Services

If a student is an English Language Learner (ELL) and receiving Alternative Language Services, including daily English Language Development, the following must occur and be considered:

- a. The most recent version of the ALS packet (ALS Summary Form and completed Parent Interview form, January 2016) must be completed by the student's teacher and ALS Coordinator/ELD provider for any student who is an (ELL). This form must be completed before evaluation can be considered, but it is recommended that it be used by the SSC committee throughout the process to guide and document the process. If a student is found eligible, the form becomes part of the pre-referral documentation. If not, copies of the form should be in the student's DNQ folder and the ALS section of their cumulative folder.
- b. The length of time that an ELL student has received ALS (newcomers, ESL classes, English Language Development, bi-lingual classes) must be considered by the SSC prior to referring the student for a special education evaluation. Data of student progress in ALS should be documented.

- c. Students who are ELL and who have had less than one school year of ALS services or who are entering school with no previous educational experience should ~~not~~ be referred for a special education evaluation ~~unless~~ only after the following criteria have been considered:

1. Objective data supports the possibility of a disability that impacts speech-language development (e.g. severe/profound disabilities, cleft lip/palate, hearing impairment, orthopedic impairment, traumatic brain injury)
- 2- Educators can rule out the potential influence of limited English, culture, economics, and/or environmental issues as the basis for the referral.
- 3- Interventions, instructional strategies, and program options specific to the student's education needs have been provided within a response to intervention model, for a sufficient period of time, and the ELL has been unsuccessful in demonstrating growth.
4. A peer analysis has been completed, indicating that the ELL is indeed exhibiting atypical performance compared to his/her ELL peer group.
5. Parents are able to provide information that indicates that the child was delayed/disordered in acquisition of their first language.

- d. Please see Tab 3 regarding specific criteria and procedures for referring and evaluating English Language Learners for Special Education eligibility.

D. Initial Evaluation.

1. Review of Existing Data.

When conducting an initial evaluation, the evaluation team must consider existing data on the student's educational performance. This shall include: (a) student records of grades, (b) participation in Alternative Language Services programs, if appropriate, (c) courses completed, (d) statewide test results, (e) district-wide test results, (f) classroom assessments, (g) teacher interviews, (h) previous exposure to formal education, (i) notes in the student's cumulative file, (j) attendance and discipline records, (k) vision and hearing screenings, (l) any health concerns that have been reported by the parents, and (m) any other information available.

This information should be summarized on the Initial Data Review Documentation form and any additional information placed inside the packet.

2. Parental Consent and Written Prior Notice.

Written parental or adult student consent and written prior notice are required for an individualized evaluation beyond the initial review of existing data. The child's parent

or adult student must sign and return the Written Prior Notice and Consent for Evaluation/Re-Evaluation form. Parental or adult student consent is not required before administering a test or other evaluation that is given to all students (i.e., DIBELS, Direct Writing Assessment, end-of-level assessments) or before conducting a review of existing data.

The consent informs the parent or adult student that the evaluation is being proposed because (a) the student is suspected of having a disability as defined by the Individuals with Disabilities Education Act (IDEA) that affects his/her educational performance and (b) the student may be eligible for special education or special education and related services. The consent form indicates the areas in which the evaluation team will conduct tests or administer other assessment tools to the student. Consent for evaluation must not be construed as consent for provisions of special education services by school staff, parents, or adult student. If the native language of the parents or adult student is other than English and interpreter and/or translated documents must be used to obtain informed consent. Interpreter signature is required to denote that the parents or adult student understand and give their full consent for the evaluation to take place as well as the areas that will be evaluated.

Reasonable efforts to obtain parental or adult student consent shall be made and documented by the school. Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education follow the requirements of Utah State Board of Education Special Education Rules II.C.5 with respect to parents or adult students who cannot be located. Parents or adult students should be informed well before the school seeks to obtain written parental consent to evaluate that the school suspects their child may have a disability.

### 3. Evaluation Timeline.

When the signed parental or adult student consent or refusal of consent for evaluation is received at the school, the assigned case manager/special educator shall write the date it was received on the consent form to document the beginning of the timeline for the evaluation.

If parental or adult student consent is given, Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education will complete all evaluations within 45 school days of receiving the consent unless the following occurs: (a) the parent fails to produce the student for the evaluation, or (b) the student enrolls in Salt Lake City School District after the timeframe has started in a previous LEA (other school district or charter school).

In the instance where a student moves into Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education with an evaluation having

been started by the previous LEA and the 45-day timeline may not be met, the District must make sufficient progress to ensure prompt compliance in accordance with an agreement with the parent as to when the evaluation will be completed.

E. Initial Evaluation Procedures for English Language Learners.

1. The school psychologist must be a member of the evaluation team for English language learners. In addition, the speech language pathologist must be an additional member of the evaluation team if the team suspects that the student may have a language disability in both L1 and L2. Please see tab 3 for specifics regarding the criteria and process for conducting an initial evaluation of an English Language Learner.

F. Comprehensive Evaluation in Areas of Suspected Disability.

The special educator as case manager shall oversee/coordinate all areas to be assessed. As part of the coordination, the case manager shall contact other evaluators who are trained to assess in specific areas, including but not limited to a Testing Compliance Manager (TCM), school psychologist, speech language pathologist, school nurse, occupational therapist, and/or physical therapist.

All evaluators will be trained in the appropriate and standardized procedures for the assessment instruments selected and administered to the student.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education assure that all assessment instruments and administration procedures follow all of the requirements of the Utah State Board of Education Special Education Rules II.F-H, including:

1. Use of a variety of assessment tools
2. Use of more than one procedure
3. Use of technically sound instruments
4. Selection of tools that are not discriminatory on a racial or cultural basis
5. Administration in student's native language or mode of communication when appropriate.
6. Use of assessments for the purposes intended and in accordance with the publisher's administration standards
7. Administration by trained and knowledgeable personnel
8. Use of tools that assess what they purport to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those are the factors the test purports to measure)
9. Assessment in all areas related to the student's suspected disability

10. Comprehensive assessment, not just in areas commonly associated with the specific disability

G. Evaluation Requirements.

Evaluation and assessment requirements for each of the 13 IDEA areas of disability will be provided to all special educators and school administrators at the beginning of each school year in the annual Special Education Quick Reference Guide. School teams shall refer to this guide when conducting an evaluation to ensure that all required evaluation criteria are met for any of the 13 categories of disabilities prior to holding an eligibility meeting with the IEP team.

H. Re-evaluation Procedures.

1. Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education shall conduct a re-evaluation of each student with a disability at least once every three (3) years. The re-evaluation process must begin within sufficient time prior to the due date of the re-evaluation timeline to conduct any new assessments, if new assessments are determined necessary by the team.

A re-evaluation may not be conducted more than once a year, unless the parent and the district agree otherwise. In this situation, the principal shall consult with the Special Education department prior to consenting to a re-evaluation being conducted in the same calendar year.

If the district refuses to conduct a new re-evaluation in this circumstance, a prior written notice letter will be sent to the parent providing the reason for the refusal and data to support the decision.

2. As part of any re-evaluation, the IEP team and other qualified professionals, as appropriate, must review existing evaluation data collected on the student.

The review may be conducted without a formal IEP meeting. The special education teacher/case manager may review and discuss the existing data with team members and the parent individually.

Existing data may include: (a) previous evaluation results, (b) evaluations and information provided by the parents of the student, (c) current classroom-based assessments, (d) district or State assessments, (e) classroom-based observations, (f) observations by teachers and related services providers, (g) grades, (h) attendance, (i) data from participation in other programs such as Alternative Language Services programs, (j) behavioral data, and (k) other information regarding the student's current educational performance.

Existing data may only be “moved forward” one time. A new evaluation must be completed if the re-evaluation due date occurs between grades 7-9. Rare exceptions will be made individually in consultation with a school psychologist and consultant.

Any evaluation results that are “moved forward” from a previous evaluation must include the testing protocols and reports. The “move forward” form, which is provided in the annual Special Education Quick Reference Guide, must be completed and attached to the previous evaluation noting which evaluations have been moved to the re-evaluation data.

3. If the parent or adult student requests additional assessment as part of the re-evaluation, the district must conduct the requested assessments in the areas of educational functioning requested.

If the parent or adult student requests additional assessments after the review of existing data, a Written Prior Notice and Consent for Evaluation/Reevaluation form must be signed by the parent prior to conducting any new assessments.

If the parent or adult student refuses to consent to the re-evaluation, the district may, but is not required to, pursue the re-evaluation by using the dispute resolution procedures provided in the procedural safeguards, including mediation or due process procedures. In this instance, the school administrator should contact the Director of Special Education for the process.

The re-evaluation may be conducted without parental or adult student consent if the LEA can demonstrate that it made reasonable attempts to obtain such consent and the student's parent or adult student has failed to respond. A written record of the attempts must be maintained in the student's special education file.

4. The Re-Evaluation Data Review form must be completed with copies of data (i.e., previous evaluation results, progress monitoring, behavior data, end-of-level assessment results, etc.) for all data reviewed, including evaluation results moved forward from a previous eligibility, and determination if additional assessments are needed as part of the re-evaluation process in determining if data are sufficient to determine eligibility. Data that has been used to determine that a student is eligible for services may not be used to determine that a student is no longer eligible for services and should not be included on the Re-Evaluation Data Review form.

#### I. Evaluations Before Change in Eligibility.



1. Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education must evaluate a student before determining that student is no longer eligible for special education or special education and related services.
2. The evaluation shall be in the areas identified on the original referral and shall include a variety of sources: (a) previous evaluation results, (b) evaluations and information provided by the parents of the student or adult student, (c) current classroom-based, (d) district or State assessments, (e) classroom-based observations, (f) observations by teachers and related services providers, (g) grades, (h) attendance, (i) data from participation in other programs such as Alternative Language Services programs, (j) behavioral data, and (k) other information regarding the student's current educational performance.

Data that has been used to determine that a student is eligible for services may not be used to determine that a student is no longer eligible for services and should not be included on the Re-Evaluation Data Review form.

If it is determined that new assessments are needed prior to a change in eligibility, a Written Prior Notice and Consent for Evaluation/Reevaluation form must be signed by the parent or adult student prior to conducting any new evaluation.

3. An evaluation is not required before the termination of a student's eligibility due to graduation from high school with a regular diploma, or due to the student's reaching age 22, as provided under State law.
4. For a student whose eligibility terminates due to graduation from high school with a regular high school diploma or reaching age 22 under State law, Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education shall provide the student with a summary of academic achievement and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals.

J. Eligibility Determination.

1. Notice of Meeting.

Upon completion of an Initial Evaluation or Re-Evaluation, the special education teacher/case manager shall arrange meeting to determine the student's eligibility for special education at a mutually agreeable time and place. A Notice of Meeting must be sent to the parent, in an understandable language, and other members of the team indicating the meeting's purpose, time, location, who is expected to be in

attendance, and letting the parent or adult student know that they may bring others who have knowledge of the student to the meeting.

2. Evaluation Summary Report.

The special education/case manager in collaboration with other members of the evaluation team shall summarize all of the results of the evaluation. This summary must be completed on the Team Evaluation Summary Report and Written Prior Notice of Eligibility Determination form, which shall include eligibility criteria for the disability classification area most appropriate for the student's evaluation results (see Eligibility Categories, Definitions and Criteria section II.L).

3. Eligibility Team Membership.

The eligibility team shall include a group of qualified professionals and the parent or adult student. In Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education, this may include the principal, special education teacher, general education teacher, speech-language pathologist, school psychologist, occupational therapist, physical therapist, and others who have conducted parts of the evaluation, as appropriate.

K. Eligibility Determination Procedures.

Using the criteria for each category of disability, the eligibility team shall determine:

- a. Whether the student has a disability that
- b. Adversely affects the student's educational performance, and
- c. Whether the student requires special education or special education and related services.

*Special education* means specially-designed instruction, at no cost to the parent or adult student, to meet the unique needs of a student with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education. The term includes speech/language pathology services and many include other related services, travel training, and applied technology education, if they meet the definition of special education. Special education services are services provided to the student, and do not include consultation between teachers or monitoring a student's grades or work completion." (Utah State Board of Education Special Education Rules I.E.42)

*Specially designed instruction* means adapting, as appropriate to the needs of an eligible student under these Rules, the content, methodology, or delivery of grade-level core instruction in order to:

- a. Address the unique needs of the student that result from the student's disability.
- b. Ensure access of the student to the grade-level general curriculum, so that the he or she can meet educational standards within the jurisdiction of the LEA that apply to all students".
- c. Students with disabilities access either the grade-level core standards or the alternate core standards (i.e., Essential Elements), based on IEP team decisions. Other alternate or modified academic achievement standards are prohibited. (Utah State Board of Education Special Education Rules I.E.43)

*Note:* Eligibility criteria for each of the 13 IDEA categories are defined in the Utah State Board of Education Special Education Rules and provided to all Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education special educators and building administrators annually in the Special Education Quick Reference Guide

#### L. Eligibility Categories, Definitions, and Criteria.

The Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education have adopted the definitions, evaluation requirements, and eligibility criteria in Utah State Board of Education Special Education Rules.II.J.1-13 with the following additional criteria for Autism, Speech Language Impairment and Specific Learning Disability (SLD).

1. For the category of Autism, Salt Lake City School District, , Open Classroom and Salt Lake Center for Science Education have defined significant impairment in social interaction or communication as an identified cut-score on checklists and rating scales, identified functional limitation based on assessment protocol, and/or 1.5 standard deviations below the mean or at or below the 7<sup>th</sup> percentile on a standardized assessment or identified subtests.
2. For the category of Speech Language Impairment, Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education have further clarified procedures for speech language special education services and related services. These procedures are provided in the separate Supplemental Speech and Language Procedures located in Tab 1

3. For the category of Specific Learning Disability (SLD), Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education have a combination model, which considers both discrepancy, RTI, and other data.
- a. If a parent or staff member refers a student, the district shall follow procedures in the Utah State Board of Education Special Education Rules for referral and initial evaluation.
  - b. A combination method approach shall be used for all students suspected of having a Specific Learning Disability in Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education.
  - c. Schools shall utilize research-based interventions to address individual student difficulties. This involves the expectation that multi-tiered instruction and research-based supplemental and intensive interventions will be attempted on the targeted deficit skill for 8 weeks prior to referral for a special education evaluation if the student is suspected of a specific learning disability.

Progress monitoring data shall be collected during the 8 week intervention period and shall indicate the intervention, note the frequency of the intervention (i.e. fidelity, consistency, intensity), and be graphed to show the student's response to the intervention. Student Services teams are responsible for determining if the student has responded to the intervention, needs additional interventions or programs, or should be referred for a special education evaluation based on progress monitoring data.

- d. Kindergarten students.

For a kindergarten student suspected of having a specific learning disability (SLD), the school team should consider the young age, limited school experience and developmental growth of the student before referring for special education.

Note: Referrals for other suspected disabilities (i.e., multiple disabilities, traumatic brain injury, visually impaired or blind, deaf or hard of hearing, autism, etc. may also occur in kindergarten but must follow the all procedures described in D – H above. Referrals for Speech Language Impairment must follow the procedures described in the Supplemental Speech and Language procedures.

If a student continues to show academic deficits at the beginning of Grade 1, data collection on suspected areas of concern should not begin until the student has been allowed opportunity to adjust to the first grade curriculum.

e. Informing Parents or Adult Students.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education believe the parents or adult student provide a critical perspective on the special education services given to the student. For this reason, schools must make a concerted effort during the data collection prior to referral to involve parents as early as possible, beginning with supporting instruction in the core curriculum. This can be done through traditional methods such as parent-teacher conferences, regularly scheduled meetings, home notes or other methods.

- f. For the category of Specific Learning Disability the Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education has further clarified evaluation procedures for SLD in the separate supplemental procedures in Tab 2

M. Required Evaluation Documentation for a Specific Learning Disability.

1. School teams will use the current SLD problem solving rubric to determine probability of a specific learning disability. If the student is in elementary school, data will be collected and considered in the following nine areas; (1) benchmark data, (2) class peer comparison, (3) progress monitoring data, (4) intervention tier level to attain progress, (5) SAGE or district end of level assessment, (6) achievement standardized test score, (7) Relative Proficiency Index or RPI, (8) Pattern of Cognitive strengths and weaknesses, and (9) discrepancy. The process for the use of the SLD problem solving rubric is located in Tab 2.

### III. IEP DEVELOPMENT AND SERVICE DELIVERY

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education will implement Utah State Board of Education Special Education Rules III.B-U to address the IEP requirements.

A. Initial IEP Team Meeting.

Within 30 calendar days of the determination of eligibility, the special education teacher/case manager shall arrange a meeting of the IEP team to develop an IEP at a place and time that is mutually convenient to the parent or adult student and the school. The IEP may also be developed at the IEP meeting held to determine eligibility if parents or adult student and school members of the team are in agreement.

Once parental consent for the initial provision of special education or special education and related services is obtained, the special education services, related services, and supplementary aids and services are provided as soon as possible.

B. Notice of Meeting.

A Notice of Meeting will be sent to the parent or adult student and all other required members of the team as well as other district staff at the discretion of the case manager and/or principal whenever an IEP meeting is held. The Notice of Meeting must be sent prior to the actual date of the meeting.

The Notice of Meeting must state the purpose(s) for the meeting, time, location, who is expected to be in attendance, and inform the parent or adult student that they or the school may bring others who have knowledge or special expertise about the student to the meeting. The determination of knowledge or expertise of the invited person is made by the party who invited the additional person(s).

All communication with parent(s), guardian(s), or adult student whose native language is other than English must be done with either written material that has been translated into the parent or adult student's native language or through an interpreter verbally ensuring that the parents or adult student have full understanding of the purpose of the meeting, it's time, and location.

C. Parental Opportunity to Participate.

1. Parents or adult student are expected to be participants along with school team members in developing, reviewing, and revising the IEP, including both the initial IEP and annual IEPs developed during the student's eligibility for special education.

This includes providing critical information about needs and strengths of the student, contributing to discussions about the student's needs for special education, determining how the student will be involved and make progress in the general curriculum, deciding how the student will participate in the state and district wide assessments, and deciding amount services Salt Lake City School District , Open Classroom and Salt Lake Center for Science Education will provide and in what settings.

2. The school must document in writing its attempts to get parental participation in IEP meetings.

- a. A log of attempts shall be kept by the school in the student's special education file recording attempts to contact the parent or adult student. The log shall include the purpose, date and method of contact (i.e., phone call, emails, notes sent home, etc.).
  - b. When the meeting is scheduled, a Notice of Meeting will be sent home to the parent or adult student and to the required school members of the IEP team as well as others whom the school has invited. If the parent or adult student cannot attend in person but can schedule a time to be able to participate by other means, the meeting shall be scheduled and a Notice of Meeting sent.
3. Parents or adult student must be given whatever help they need to understand the proceedings of the IEP meetings, such as interpreters and translated documents.
4. If the school cannot obtain parental or adult student participation after three documented attempts, the other members of the IEP team will proceed with the development of the IEP and sign as participants. A copy of the signed IEP will note "parent or adult student did not participate" and a signed copy will be sent to the parent or adult student.

D. IEP Team.

1. The team shall consist of the parent or adult student, the special education teacher (or speech language pathologist if the student is being classified as Speech Language Impairment) and regular education teacher of the student, the LEA a representative of Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education, a person who can interpret the results of the evaluation (who can be the special education teacher if the school psychologist was not part of the evaluation), and the student, when appropriate.
2. Other team members may be added when they are likely to provide services to the student.
3. The representative of Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education must be an administrator or be designated by the Special Education Department or school administrator to act on the District's behalf, and have knowledge of the general education curriculum and of the availability of resources of Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education. When the school administrator assigns a designee, the IEP must be reviewed and initialed by the school administrator after the IEP meeting to ensure that the school administrator is aware of the goals and services committed by the district for the student to receive a free appropriate public education. Designee procedures are included in the annual Special Education Quick Reference Guide.

E. IEP Team Attendance.

1. The regular education teacher or related service provider, if the student is receiving related services, is not required to attend all or part of a particular IEP team meeting if the parent or adult student and school administrator agree that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
2. The regular education teacher or related service provider, if the student is receiving related services, may be excused from attending all or part of a particular IEP meeting when the meeting does involve a modification to or discussion of the member's area of the curriculum or related services, if the parent or adult student and school administrator consent to the excusal. If a member is excused in this instance, the member must submit written input into the development of the IEP to the parent or adult student and the IEP team prior to the meeting.
3. If an excusal is for either reason described above, the person requesting to be excused must complete the Consent for IEP Team Member Absence/Excusal form and the school administrator and parent must sign the form prior to the IEP meeting. If either the school administrator or parent does not consent to the absence/excusal, the IEP meeting must be rescheduled.

F. IEP Timelines and IEP Meetings.

1. A current IEP must in effect for each identified student with a disability prior to the beginning of the school year. If an IEP is overdue, the current school's IEP team must schedule and conduct an IEP meeting within three weeks from the first day of the current school year.
2. Each student's IEP must be reviewed at least annually. Case managers should begin preparation for the annual IEP meeting to allow for sufficient time to contact all required members of the IEP team, reschedule the meeting, if necessary, and gather and assemble all current reports of progress to ensure that the IEP is completed within the required IDEA timeline.
3. The IEP may be reviewed and revised as frequently as needed during the annual IEP period. Changes may occur through an IEP meeting or through the amendment process.
  - a. Changes to the IEP may be made at the request of any member of the IEP team through an IEP meeting or through the amendment process without holding an IEP meeting. Amendments to the IEP without a team meeting may be made only with the agreement of school administrator and the parent or adult student.



- b. All changes made to an annual IEP (either through an IEP meeting or the amendment process) must be documented using the IEP Addendum form.
- c. Amendments that include minor changes in the amount of a special education or related service, a minor change of location, or a goal change that is the next logical step forward or backwards and is based on the student's progress may be made without a team meeting. Amendments to IEPs must be based on student need and not due to availability of resources.
- d. If the amendment involves a move on the continuum of Least Restrictive Environment placement options or the amount of services is significantly changed or a significant service is to be added or eliminated, an IEP Team meeting must be held. A Notice of Meeting to all team members shall be sent noting the purpose of the meeting.
- e. A copy of each addendum written during the annual IEP period is attached to the front of the annual IEP. A revision to the IEP does not change the IEP annual timeline date.
- f. The parent or adult student must be provided with a copy of the IEP Addendum whenever changes are made to the annual IEP.

G. Transfer Students.

When a student with an IEP transfers to Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education from another school district or charter school in or out of the state, comparable services to those listed on an existing IEP shall be provided until the student's special education records are received by Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education.

The annual Special Education Quick Reference Guide provides guidance for students who transfer from another school district and an In-State and Out-of-State Transfer Student Checklist for schools to use in accordance with Utah State Office of Education recommendations.

H. IEP Development and Content.

- 1. It is the responsibility of IEP team to develop an IEP that is reasonably calculated to confer a free appropriate public education for the student.

2. In developing the IEP, the IEP team must consider the student's strengths, parental or adult student concerns, evaluation results, academic development and functional needs, and special factors.
3. A draft IEP may be prepared by the case manager to present at the IEP for discussion.
  - a. In preparing a draft of the IEP for the IEP team to consider, it is the responsibility of the case manager to ensure that the IEP includes all required components of the IEP, which for high school students includes a transition plan, and is completed in sufficient time to hold the IEP meeting prior to the expiration of the student's current IEP.
  - b. Changes made to the draft IEP at the IEP meeting shall reflect input from other team members that address the student's educational needs in order for the student to receive a free appropriate public education.
4. Documentation of Participation.
  - a. All members of the IEP team shall sign the IEP document indicating that they participated in the development of the IEP. A parent or adult student's signature on the IEP does not mean that the parent or adult student is in full agreement with the content of the IEP and does not prevent the parental or adult student's right to access the Procedural Safeguards of the IDEA.
  - b. If despite at least three documented attempts the school is unsuccessful in having parental attendance at the meeting, the rest of the IEP team must proceed with the meeting to ensure that the student has a current IEP which describe the district's provision of a free appropriate public education for the student.
  - c. The parents or adult student may participate via telephone conference or other means.
  - d. The parents or adult student must be provided with a copy of the completed IEP, and Written Prior Notice of Salt Lake City School District, Open Classroom or Salt Lake Center for Science Education's intent to implement the program and services in the IEP. This Notice is embedded in the IEP form.
5. IEP Team Access to IEP Information.
  - a. The special education teacher (or speech language pathologist, if serving as the case manager) shall make the student's IEP accessible to each general

education teacher, special education teacher, and related service provider responsible for its implementation.

- b. Each general education teacher and provider must be informed of his or her specific responsibilities related to the implementation of the student's IEP, including the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.
- c. Special education teachers (or speech language pathologist, if serving as the case manager) are encouraged to prepare an "IEP at a Glance" Summary of the present level of performance, goals, and program modifications and supports for each teacher of the student.

I. Discipline, Functional Assessments, Behavior Intervention Plans, and Emergency Contacts.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education follows the Discipline requirements and procedures described in Utah State Board of Education Special Education Rules V.A-K as written.

- 1. The IEP team must consider address the behavioral needs of the student in the case of a student whose behavior results in a pattern that requires administrative discipline, whose behavior results in removal to in interim alternative educational setting for 45 school days due to a safe school violation, or whose behavior impedes the student's learning or that of others. Consideration must be based on student need, regardless of classification.
- 2. The IEP team must consider the use of positive behavioral interventions and supports, and other strategies, to address the behavior(s).
- 3. As appropriate, a functional behavioral assessment shall be conducted and a behavior intervention plan shall be developed. The Functional Behavior Assessment and Behavior Intervention forms on Goalview shall document the results of the functional behavioral assessment and the proposed behavior intervention plan.
  - a. The parent must give written consent prior to the school conducting a functional behavior assessment. The Written Prior Notice and Consent for Evaluation/Reevaluation form should be completed noting the areas of "social behavior" and "other".
  - b. When making decisions on behavioral interventions, the IEP team must refer to the USBE Least Restrictive Behavior Interventions (LRBI) Technical Assistance

(TA) Manual for information on research-based intervention procedures in order to protect the safety and well-being of students with disabilities, provide protection for students, teachers, and other school personnel.

- c. Parents must be involved in the consideration and selection of behavior interventions to be used with their students.
  - d. Any behavior intervention plan that is developed must include a method for data collection on the target behavior, sufficient time for the plan to be implemented, and an established review date for the IEP team to review the effectiveness of the plan.
3. If it is determined that highly intrusive interventions are necessary to address the student's behaviors, the case manager must present the proposed intervention to the district Human Rights Committee prior to including the intervention in the behavior intervention plan. The schedule of the Human Rights Committee meetings and the procedures for proposing highly intrusive interventions are included in the annual Special Education Quick Reference Guide.
4. When an emergency situation occurs that requires the immediate use of moderately or highly intrusive interventions to protect the student or others from harm, the staff shall complete and submit the emergency contact information to the Salt Lake City School District Director of Special Education and LEA and notify the student's parents within 24 hours. The Director of Special Education will review all Emergency Contact forms for verification that procedures were followed.
- a. In an emergency situation, school staff may intervene using a moderate to intensive (highly intrusive intervention) to ensure the safety of students and staff.

Emergency Situations	Definition
Danger to others	Physical violence/aggression toward others with sufficient force to cause bodily harm
Danger to self	Self-abuse of sufficient force to cause bodily harm
Severe destruction of property	Severe destruction or physical abuse of property resulting in substantial monetary loss

Threatened abuse toward others, self, or property	Substantial evidence of past threats leading to any of the behaviors defined as danger to others, danger to self, or severe destruction of property
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- b. If a behavior requiring emergency procedures occurs more than once per week, two times in a month, or four times in a year, the behavior should no longer be considered an emergency or crisis and should be addressed in the IEP and/or Behavior Intervention Plan. Additionally, the allowable instances of a behavior requiring emergency procedures are cumulative in number, regardless of whether a different highly intrusive individual intervention is used.

#### J. Extended School Year

Each IEP team must determine whether the student will need Extended School Year (ESY) services in order to receive a free appropriate public education. At the annual IEP meeting the IEP team shall discuss the student's need for extended school year services and determine if the student is eligible, is not eligible, or if eligibility will be determined at a later date.

School teams shall follow the Supplemental Extended School Year procedures in making Extended School Year determinations for students. The annual Special Education Quick Reference Guide shall provide recommended dates for student data collection, IEP meetings to review data, district review committee, and parent or adult student notification of ESY eligibility for the school year.

#### K. Assistive Technology.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education make assistive technology devices or assistive technology services, or both, available to a student with a disability if required as part of the student's special education, related services, or supplemental aids and services. On a case-by-case basis, school-purchased assistive technology devices may be used in the student's home during the school year, if assistive technology in the home is required for the student to receive a FAPE. School teams will receive guidance from the Department of Special Education regarding accessing assistive technology devices and services on an annual basis.

L. Placement in the Least Restrictive Environment (LRE).

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education follows the Least Restrictive Environment requirements and procedures described in Utah State Board of Education Special Education Rules III.P as written.

1. Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education provides the IDEA-required range of placement options, including placement in the regular education classroom, with or without itinerant services; placement in a special class; placement in a special school; placement in a residential program, and homebound or hospitalized placement. Determination of placement by the IEP team shall be made based on where the student's free appropriate public education can be provided.
2. Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education shall ensure that the parents of each student or adult student are members of any group that makes decisions on the education placement of their student. If unable to get the parents or adult student to participate, after repeated and documented attempts, the team may need to proceed with a placement decision. However, no initial placement and provision of services may be put in place without written parental or adult student consent.
3. Placement must be reviewed and determined at least annually, based on the student's present levels of performance, goals, services, and program modifications as detailed in the IEP. This is done at the annual IEP meeting.
4. School teams must follow the procedures described in the Supplemental LRE Placement procedures if a student may need a more restrictive environment beyond Resource or speech services at the student's neighborhood school. These procedures can be found in Tab 4.

M. Parental Consent for Initial Placement, Refusal of Services and Revocation of Services.

1. When the initial IEP is developed for a student, written parental or adult student consent must be obtained prior to the IEP to be implemented and the special education services on the IEP to begin. The Prior Notice and Consent for Initial Placement in Special Education form must be signed by the parent or adult student. If the parent or adult student refuses consent for the provision of those services, Salt Lake City School District may not implement the IEP and may not access due process procedures.
2. At annual IEP meetings after the initial IEP, the parents or adult student may accept some services offered on the IEP and refuse other services (e.g., refuse reading

services but accept math and speech language services).

- a. In such instances, the refused service should be crossed off the IEP and the parent or adult student should initial and date that the service is refused.
  - b. Additionally, the school should inform the special education consultant assigned to the school, who will mail a Refusal of Service letter to the parents or adult student.
  - c. Such parental or adult student refusal of a specific service on an IEP relieves the district from their FAPE responsibility for the service refused.
3. If a parent or adult student wants to fully revoke all special education services for their student, the parent or adult student may do so under the provisions of the IDEA. The parents or adult student may revoke services at any time.
- a. The parents or adult student must make their request to revoke all special education services in writing to the Director of Special Education.
  - b. The Director of Special Education shall mail a Prior Written Notice letter and a Revocation of Services form with a self-addressed return envelope informing the parents or adult student of their rights and the entitlements under the IDEA that they are revoking.
  - c. The student must remain in special education until the Revocation of Services form is signed and returned by the parents or adult student to the Director of Special Education.
  - d. When the signed Revocation of Services form is received by the Director of Special Education, the school shall be informed and the student's special education services will end.

N. Transition Planning and Graduation.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education follow the Transition and Graduation requirements and procedures described in Utah State Board of Education Special Education Rules VII.B-D and the USBE Graduation Guidelines as written.

4. Transition services will be in effect not later than the first IEP when the student turns 14~~16~~ (such as in an IEP meeting conducted when the student is 13 years old).

- a. Information needed to conduct meaningful transition planning will be a collaborative process involving the case manager and high school's Transition and Compliance Coach, the student, and parents. When needed, outside agencies will be part of the transition planning process.
  - b. The transition plan and transition services shall be updated annually as part of the IEP and must include:
    - a. Appropriate measurable postsecondary goals, including academic and functional goals, based upon age-appropriate transition assessments related to training or education, employment, and, where appropriate, independent living skills;
    - b. Transition services including courses of study needed to assist the student in reaching the student's post-secondary goals.
2. Transfer of Rights at Age of Majority.

Beginning not later than the student's seventeenth birthday, parents must be informed that the student's rights under the IDEA will transfer to the student on reaching age 18 (except for a student with a disability who has been determined to be incompetent by a court).

The case manager shall review the Notice to Parents and Students Regarding Age of Majority Rights form with the parents and obtain the parent's signature at the 10<sup>th</sup> grade year IEP meeting to ensure that parents are fully informed of this transfer of rights when their child turns 18.

3. Substitutions to the IEP

- a. The IEP team may amend graduation requirements prior to the issuance of a high school diploma. An amendments must be documented on the IEP and include the course being substituted and the reason for the substitution.

When the substitution is documented on the IEP, the substitution shall serve as the course in the required area to meet graduation requirements.

- b. Substitutions should be based on the student's abilities, identified transition plan and course of study, the student's post-secondary goals, and progress toward graduation.



- c. In determining substitutions, the IEP team shall refer to the Salt Lake City School District Special Education, Open Classroom and Salt Lake Center for Science Education Substitution Guidelines for appropriate course substitutions.

#### 4. Graduation.

- a. Graduation from high school with a regular high school diploma ends the district's obligation to make FAPE available to the student.
- b. Graduation from high school with a regular high school diploma is a change in placement and requires Written Prior Notice. The Prior Notice of Change of Placement in Special Education form must be provided to parents stating that the student's eligibility under the IDEA ends by issuing the student a diploma.

The Prior Notice of Change of Placement in Special Education form must be provided to parents no later than 45 calendar days prior to when the student will graduate.

- c. Upon graduation or the student reaching age 22 and receiving a Certificate of Completion, the student shall receive a Summary of Academic Achievement and Functional Performance and other information to support their adulthood plans.

#### O. Students with Disabilities in Other Settings.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education has adopted all of the rules for Students with Disabilities in Other Settings as found in Utah State Board of Education Special Education Rules VI.

#### IV. PROCEDURAL SAFEGUARDS

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education, consistent with the requirements of the Individuals with Disabilities Education Act (IDEA) and the Utah State Board of Education Special Education Rules IV.A-X, has established, maintains, and implements Procedural Safeguards for students with disabilities and their parents.

##### A. Opportunity for Parental Participation in Meetings.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education shall afford the parents or adult student the opportunity to participate in all decisions related to the location, identification, evaluation, and provision of FAPE for their student, including decisions related to the Discipline requirements of the IDEA. This includes arranging meetings at a mutually agreed upon time and place, providing a Notice of Meeting, and making at least three documented attempts to obtain parent or adult student participation in meetings.

##### B. Independent Educational Evaluation (IEE).

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education shall follow the Independent Evaluation requirements and procedures described in Utah State Board of Education Special Education Rules IV.C.

1. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by Salt Lake City School District, Open Classroom or Salt Lake Center for Science Education.
2. The parents of a student or adult student with a disability have the right to obtain an independent educational evaluation of the student at public expense if they disagree with an evaluation obtained by Salt Lake City School District, Open Classroom or Salt Lake Center for Science Education.
  - a. Upon request for an independent educational evaluation, schools must follow the procedures for an Independent Educational Evaluation described under Other Supplemental Procedures found in Tab 7.
  - b. An independent educational evaluation conducted at Salt Lake City School District, Open Classroom or Salt Lake Center for Science Education's expense shall become the property of Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education, in its entirety.

3. When a parent or adult student requests an independent educational evaluation, school teams must follow the procedures described in the Other Supplemental Procedures: Procedures for Independent Educational Evaluations in Tab 7.

C. Written Prior Notice.

1. Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education shall provide Written Prior Notice to the parents or adult student a reasonable time before it proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or provision of a free appropriate public education to the student. The notice includes: a description of the action proposed or refused, an explanation of reasons for the proposal or refusal, a description of evaluations or other information the proposal or refusal is based on, a statement that the parents and eligible student have protection under the Procedural Safeguards and how to obtain a copy of the Safeguards, sources of assistance to understand the IDEA, a description of other options the IEP Team considered and why the other options were rejected, and a description of other relevant factors to the proposal or refusal.
2. The Written Prior Notice shall be provided in understandable language and in the parents' or adult student's native language or other mode of communication unless it is clearly not feasible to do so.
3. Schools should contact the Director of Special Education for assistance in writing a Written Prior Notice letter to the parents or adult student.

D. Procedural Safeguards and Annual Notices.

1. A current year's copy of the Procedural Safeguards and Annual Notices must be given to the parent or adult student once a year, usually at the annual IEP review meeting. A current copy must also be given to the parent or adult student upon initial referral or parental request for evaluation, upon receipt of the first State complaint or due process complaint in that school year, and upon request by the parent or adult student at any time.

Electronic copies of the Procedural Safeguards and Annual Notices in English and several languages are available on the district website under the Special Education Department.

2. When the parent or adult student receives a copy of the Procedural Safeguards and Annual Notices at the annual IEP review meeting, the case manager shall provide a brief explanation of the main provisions of the Procedural Safeguards to the parents or adult student as well as provide the parents or adult student a copy of the Salt Lake City School District Supplement to Procedural Safeguards and Annual Notice.

3. Because required information in the Procedural Safeguards and Annual Notices is updated annually by the Utah State Office of Education, it is expected that the parents or adult student will take a copy of the current year's Procedural Safeguards and Annual Notices, even when they have received previous year's copies.

E. Parental Consent.

1. Informed written parental or adult student consent must be obtained for evaluation and any new assessments conducted for a re-evaluation, initial placement into special education, and for release of records to certain parties.
2. Efforts to obtain consent must be documented in writing.
3. No student shall receive special education or special education and related services without the signed initial consent for placement in the student's special education file.

F. Dispute Resolution.

1. Attempts to address grievances will be made through the following channels: Special Education teacher, LEA, Special Education Director. After attempts to solve the grievance at the district level, see Dispute Resolution F.2.
2. Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education follow the Dispute Resolution requirements of the Utah State Board of Education Special Education Rules IV.G-U, as written. These include the procedures for State Complaints, Mediation, Due Process Complaints, Resolution Process, Due Process Hearings, Civil Actions, Attorney's Fees, and Student's Status during Proceedings.

G. Surrogate Parents.

1. Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education follows the Surrogate Parents requirements of Utah State Board of Education Special Education Rules IV.V.1-9.
2. A surrogate parent shall be assigned for a student when the parent cannot be identified or cannot be located, the parent's rights to make educational decisions has been taken away by a court, the student is a ward of the state, or the student is an unaccompanied homeless youth.
3. When one of the above situations occurs, the school should contact the special education consultant assigned to the school for a list of trained surrogate parents who are available when needed.

## H. Confidentiality of Information.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education follows Utah State Board of Education Special Education Rules IV.X and takes appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records it collects or maintains related to the IDEA.

### 1. Access rights.

- a. Schools shall permit the parents or adult student to inspect and review any education records relating to their student that are collected, maintained, or used by Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education. Requests by the parents or adult student to inspect their student's educational records shall be complied with without unnecessary delay.

When a parent or adult student requests to inspect and/or review any education records relating to their student, school teams must follow the procedures described in the Other Supplemental Procedures section: Procedures for Responding to Parent Requests to Review and Receive Copies of Student Records in Tab 7.

- b. Schools may presume that the parent or adult student has authority to inspect and review records relating to his or her student unless the school has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

### 2. Record of access.

A record of access of all individuals (except access by the parents or adult student and authorized employees of Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education) shall be recorded on the front of the student's special education folder. The record of access shall include the name of the party, the date access was given, and the purpose for which the party is authorized to review the records.

For any education record that includes information on more than one student, Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education shall ensure that the parents of a student or adult student have the right to inspect and review only the information related.

### 3. Amendment of records at parent's or adult student's request.

- a. If a parent or adult student believe information in any of the special education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the student, the parent or adult student may make a request to the Director of Special Education to amend the information. Salt Lake City School District shall decide whether to amend the information. This decision must be within a reasonable period of time of receipt of the request.
- b. If Salt Lake City School District , Open Classroom and Salt Lake Center for Science Education decide to refuse to amend the information, the district shall inform the parent or adult student of the refusal and advise the parent or adult student of the right to a hearing on the matter.

#### 4. Release and Disclosure of Records.

- a. Parental or adult student consent is not required for disclosure of records to officials of agencies collecting or using information under the requirements of the IDEA, to other school officials (including teachers within the school who have been determined by Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education to have legitimate educational interests), to officials of another school or school site in which the student seeks or intends to enroll, or for disclosures addressed in referral to and action by law enforcement and judicial authorities.
- b. The school must obtain written parental consent prior to releasing any special education records to any other person or agency not listed above.

#### 5. Confidentiality Safeguards.

- a. Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- b. Each school shall maintain, for public inspection, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information on students with disabilities. This list must be posted on the cabinet in which students' special education files are maintained and this list must be updated annually.

#### 6. Destruction of Records.

- a. Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education shall inform the parents or adult student when the special education records are no longer needed to provide educational services to the student.

The procedures for destruction of special education records are included in the annual Special Education Quick Reference Guide.

- b. Information no longer needed must be destroyed at the request of the parents or adult student. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

I. Parent Requests to Personally Observe or Have a Consultant Observe in the Classroom

When a parent or adult student requests to observe or have their consultant observe in their student's classroom, school teams must follow the procedures described in the Other Supplemental Procedures section: Procedures for Parent Requests to Personally Observe or Have Outside Consultant Observe Their Child in the Classroom in Tab 7.

V. ADDITIONAL RESPONSIBILITIES OF  
SALT LAKE CITY SCHOOL DISTRICT UNDER  
THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

A. Participation in Assessments.

All students enrolled in Salt Lake City School District, Open Classroom or Salt Lake Center for Science Education, including students with disabilities, shall participate in the statewide testing program and school-wide testing. Participation requirements in the Utah State Board of Education Assessment Participation and Accommodation Policy, which is updated annually, shall be followed for students with disabilities.

The IEP Team shall determine how a student with disabilities will participate and accommodations needed, if any.

A summary of the assessments by grade level that students with disabilities should participate in shall be included in the annual Special Education Quick Reference Guide.

B. Public posting of Utah State Office of Education UPIPS Monitoring Results.

Results of monitoring from the Utah Program Improvement Planning System (UPIPS) are posted on the Utah State Board of Education's Special Education Department website annually. The Executive Summary of the Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education's program review for UPIPS shall be posted on the Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education website under the Department of Special Education.

C. Methods of Ensuring Services.

The special education file for each eligible student with a disability enrolled in the District who receives the services shall be regularly monitored and reviewed through a systematic process by the Department of Special Education to ensure that the records are procedurally sound and are an appropriate record of the special education and related services the student is entitled to are received under the IDEA.

D. General Supervision.

The Director of Special Education shall assume General Supervision responsibilities pertaining to implementation of the Individuals with Disabilities Education Act for Salt Lake District, Open Classroom and Salt Lake Center for Science Education and shall report to the Salt Lake School Board and Superintendent.



E. Use of IDEA Part B funds.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education shall follow the requirements of Utah State Board of Education Rules IX.B in ensuring the appropriate use of funds under the IDEA. Salt Lake City School District shall participate in the single audit process required by State law that includes an audit of IDEA funds.

F. Personnel standards.

1. All special education and related services personnel in Salt Lake City School District shall meet the educator licensing requirements of the Utah State Board of Education for the positions in which they work, as described in the Utah State Board of Education Special Education Rules IX.H and the Highly Qualified requirements of the Utah State Board of Education State Plan under No Student Left Behind and Educator Licensing – Highly Qualified Assignment (Administrative Rule R-277-510-1 through 11).

All personnel necessary to carry out the IDEA shall be appropriately and adequately prepared and endorsed, subject to the requirements related to personnel qualifications and Section 2122 of the Elementary Secondary Education Act.

2. Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education shall provide a program of professional development for all special education personnel, based on the identified skill and knowledge needs of teachers, assistants, related service providers, administrators, and others. This shall include targeted training for persons working with students with specific and individual needs for academic and social behavior instruction.

G. Performance Goals and Indicators in the State Performance Plan.

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education provide additional information which the Utah State Board of Education may require in order to meet Federal reporting requirements, including suspension and expulsion rates, LRE environments, disproportionality data, and others as described in Utah State Board of Education Special Education Rules IX.A.2.

#### H. Caseload Guidelines

Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education refers to the USBE Caseload Guidelines in overseeing the caseload of each special educator, including related service providers. Caseloads of any special education teacher or related service provider shall not prevent the district from ensuring that a FAPE is available to all eligible students with disabilities.

# **SPEECH LANGUAGE IMPAIRMENT PROCEDURES**

**Procedures for Speech Language Impairment for K-12 Students:  
Referrals, Evaluations, Re-Classifications and Speech Language Related Services**

1. There are two types of services provided by a speech language pathologist.
  - a. Direct services are provided by a speech language pathologist for a student who has been classified as Speech Language Impairment. The services provided are listed under “Special Education Services” on the services section of the IEP.
  - b. Related services are provided by a speech language pathologist for a student with any classification who needs speech language therapy to support their direct “Special Education Services” in order to receive a free appropriate public education.
2. There are two areas of need that a speech language pathologist addresses through therapy:
  - a. Speech therapy addresses articulation, fluency/stuttering, and voice.
  - b. Language therapy addresses receptive language, expressive language, syntax, pragmatic language, and semantics.
3. Regardless of the type of service (direct special education services or related services) or area of need (speech therapy or language therapy), if the student receives special education services by a special education teacher, all speech and language goals should be implemented, supported and monitored collaboratively by both the special education teacher and speech language pathologist to ensure the student is benefitting from the instruction throughout the school day and week.

**Referrals, Evaluations, and Re-Classifications:**

4. When a student is referred for speech concerns (articulation, fluency/stuttering, voice), the following procedures must be followed.
  - a. Students with speech concerns should be referred to the school’s speech language pathologist, who will determine if an evaluation for special education is appropriate.

- b. The speech pathologist may conduct some initial screenings to determine if the concerns are developmental or if an evaluation is warranted.
  - c. The speech pathologist will conduct the evaluation with assessments targeted to referred speech area.
  - d. When the evaluation is complete, a complete IEP team (speech pathologist, regular education teacher, parent, and LEA Representative) will meet to determine eligibility.
5. When a student is referred for Language concerns (receptive language, expressive language, syntax, pragmatics, semantics), the following procedures must be followed.
- a. Students with language and communications concerns should be presented to the school's student services committee where the areas of concern are reviewed and discussed in light of impact on the student's education (academic, social, behavioral, and school skills).
  - b. Sufficient initial data must be collected including all parts of the *Initial Review of Existing Data* (buff form) as well as intervention data by the classroom teacher.
  - c. Students who are English Language Learners and who have had less than one school year of ALS services or who are entering school with no previous educational experiences should not be referred for a speech-language evaluation unless the following criteria have been considered:
    - 1. Objective data supports the possibility of a disability that impacts speech/language development (e.g. severe/profound disabilities, hearing impairment, orthopedic impairment, traumatic brain injury, cleft lip/palate)
    - 2. Educators can rule out the potential influence of language, culture, economics, and/or environmental issues as the basis for the student's lack of speech-language (educational) progress.
    - 3. Interventions, instructional strategies, and program options specific to the student's education needs have been implemented and proven unsuccessful over a sufficient period of time.
    - 4. Parents are able to provide information that indicates that the child was delayed/disordered in acquisition of their first language.
  - d. For Language/Communication referrals, a comprehensive evaluation must be conducted if other areas of concern are identified on the referral in

order to consider all IDEA classifications. Evaluation areas should include hearing and vision screening, cognitive and academic testing, and language evaluations. Evaluation areas may include social/behavioral evaluations and OT/PT evaluations.

- e. If areas other than language are to be evaluated, the special education teacher shall be assigned as the case manager for the evaluation and will coordinate with all others involved in the evaluation (speech language pathologist, psychologist, occupational therapist, physical therapist). When
  - f. When the evaluation is finished, a complete team (parents, speech pathologist, special education teacher, general education teacher and other providers who did evaluations) shall meet to determine eligibility. All areas evaluated must be reviewed and all IDEA classifications must be considered.
  - g. If eligibility is determined as Speech Language Impairment classification and no other areas are identified, the Speech Language Pathologist will be the case manager. When the IEP is developed, the speech language services will listed under “Special Education Services” on the services section of the IEP.
  - h. If eligibility is determined as Speech Language Impairment and the student has other areas of concern (academic or behavioral) that will be addressed on the IEP, the Special Education teacher will be the case manager. The IEP will reflect both language goals and other goals (academic, social behavioral goals) under “Special Education Services” on the services section of the IEP.
6. When a student who is currently classified as Speech Language Impaired begins exhibiting other educational concerns (academic or social/behavioral), the following procedures must be followed:
- a. The complete IEP team (speech pathologist, special education teacher, general education teacher, parent, and LEA Representative) shall convene to review the concerns, review the IEP, and review existing data regarding the new concerns.
    - (1) The Re-evaluation Data Review form must be used as part of this process.
    - (2) If data are sufficient to suggest that the student’s educational needs may have increased beyond speech language services only, a new evaluation must be conducted to evaluate the new areas of concern and to consider re-classification. The parent must give consent by signing the Written Prior Notice and Consent for Evaluation/Re-Evaluation form.

- (3) A comprehensive re-evaluation must be conducted. This should include hearing, vision screening, cognitive and academic testing, and language evaluations. This may also include social/behavioral evaluations and OT/PT evaluations.
- b. If a new evaluation is conducted, a complete IEP team (speech pathologist, general education teacher, parent, and LEA Representative) and others who helped to conduct the comprehensive evaluation (special education teacher, school psychologist, OT/PT, etc.) will meet when the evaluation is finished. The purpose of the IEP meeting is to determine if the student's classification needs to be changed, develop a new IEP, and review placement.
- (1) All areas evaluated must be reviewed and all IDEA classifications must be considered.
  - (2) A new Determination of Eligibility must be completed reflecting whether the student meets eligibility criteria.
  - (3) If the student remains eligible under Speech Language Impairment classification, a new Determination of Eligibility form must still be completed by the IEP team reflecting Speech Language Impairment.
    - (a) If student remains eligible under Speech Language Impairment classification and is determined to have no other significant areas of concern (academic or behavioral), the speech language pathologist will be the case manager and the IEP will be amended to reflect any new goals that the IEP team determines are needed.
    - (b) If student remains eligible under Speech Language Impairment classification and the student has other areas of concern (academic or behavioral), the special education teacher will be the case manager.

In the case where it is determined that there are other areas of significant concern, a new IEP will be developed to reflect both language goals and other goals (academic, social behavioral goals) as "Special Education Services" on the services section of the IEP.

- (c) In either case, the speech language goals will be written by the speech language pathologist but will be implemented, supported and monitored collaboratively by both the special education teacher and speech language pathologist to ensure the student is benefitting from the instruction throughout the school day and week.

- (4) If the classification is changed to a different IDEA classification, a new Determination of Eligibility form must be completed by the IEP team reflecting the new classification.
  - (a) The special education teacher will be the case manager, and a new IEP must be developed reflecting new goals and special education services based on the evaluation results.

The IEP team will determine if speech language therapy services are needed as a related service as either direct speech language therapy (individual or group) or consultation services with the special education teacher).

**Determination of Speech-Language Therapy as a Related Service:**

Note: Not all students with low reading achievement who have language deficits require speech/language therapy as a related service.

- b. If the student requires pull-out speech language therapy, the service should be scheduled at times that does not remove the student from their Tier 1 literacy block instruction or other special education services included on the student's IEP.
- c. As part of early intervening services, students in grades K-3 may need direct language therapy services from the speech language pathologist as special education services or a related service.
- d. Beginning in fourth grade, students who have eligible language-based needs, language therapy provided by the speech language pathologist as a related service shall be changed to consultation services.
  - a. The special education teacher shall provide special education services for reading and/or language arts.
  - b. The related services provided by speech language pathologist will be through consultation services with the special education teacher on strategies to increase language-based skills (expressive language, receptive language, semantics, syntax, pragmatics) as they relate to the language arts core and each student's individual needs.
  - c. The student's IEP goals shall be written to reflect language-based goals (expressive language, receptive language, vocabulary, comprehension, pragmatic/social language) as it relates to the language arts core and shall be monitored by the special education teacher.



- d. The IEP should reflect the related service provided by the speech language pathologist as consultation for a specified amount of time monthly under the Related Services section of the IEP.

Note: If the student still needs speech language therapy as a related service based on the above decision rules, the IEPs of students who previously received their related service from a speech language pathologist as a direct service rather than consultation should reflect this change beginning with the new IEP that will be implemented for all or part of fourth grade year and subsequent years.

# **PLACEMENT AND LRE PROCEDURES**

## **Procedures for Least Restrictive Environment and Change of Placement**

***(Revised August 2013)***

1. When it appears that the current educational placement is not meeting the student's educational need, a change of placement may be considered. This includes a change of placement to a more restrictive environment, to a less restrictive environment or to a different special class option.
2. Least restrictive environment is based on the student's educational need and must include a continuum of placement options. Salt Lake City School District, Open

Classroom and Salt Lake Center for Science Education have program options for all age levels, which have been designed to address educational outcomes for students with disabilities needing a more restrictive environment placement.

Placement in a more restrictive environment such as a self-contained class is based on providing the student with an appropriate education (FAPE) based on educational outcomes that align with the student's educational needs. Placement **is not** based on student classification (i.e., Specific Learning Disability, Emotional Disturbance, Intellectual Disabilities, Autism, Speech Language Impairment, etc.).

3. Any change of placement must be done through these procedures and shall not be done by individual schools, by contacting the consultant, through the information exchange between schools or when transitioning students and files from one school to another, or by unilateral decision by a parent or district employee.
4. The following program options beyond the Resource and/or speech language special education services at the student's neighborhood school are available in Salt Lake District.

Diagnostic Class	Grades K - 1	Placement through Pre-K transition in the Spring or Program Options Review Committee
Academic Support Class	Grades 1 - 12	Placement through Program Options Review Committee
Behavior Support Class	Grades K - 12	Placement through Pre-K transition in the Spring or Program Options Review Committee
Functional Academics Class	Grades K - 12	Placement through Pre-K transition in the Spring or Program Options Review Committee
Functional Life Skills Class	Grades K - 12	Placement through Pre-K transition in the Spring or by the Special Education consultant over Functional Life Skills programs
C.B.T.U. (Children's Behavior Therapy Unit)	Grades K – 8	Placement through intake process with Valley Mental Health with supporting data to

<i>This program is a collaborative partnership with Valley Mental Health for students needing full-day mental health services. Salt Lake District provides the education program for students needing this level of mental health services.</i>		support the need for a full-day mental health treatment
Special Programs Class at East High School	Grades 9 – 12	Placement through intake process with Special Programs staff and high school consultant
Bridges Program  <i>Program for students needing an Interim Alternative Education Setting due to Safe Schools removal or needing an interim respite setting due to documented educational needs</i>	Grades 7 – 12	Placement through intake process with Bridges staff and high school consultant
Homebound/Hospital Services	Pre-K – Age 22	Placement through medical documentation of need
Residential	K – Age 22	Placement through determination that FAPE is not being provided by any other educational option

Note: When a student moves into Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education, the student's current placement from the previous district or charter school must be honored. When a student had a self-contained placement in their previous school setting, the student shall be placed by the Special Education Department in a comparable program in Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education until sufficient data and information are collected to determine if a different placement is more appropriate.

5. A district LRE Review Committee has been established to review recommendations by school teams regarding students who may need a more restrictive environment. Descriptions of Diagnostic, Academic Support, Behavior Support, and Functional

Academic self-contained class purposes, program overviews, educational outcomes, required information and data for consideration of placement, placement criteria, and exit criteria are included with these procedures.

The annual Special Education Quick Reference Guide includes the committee's schedule of meetings for each school year.

6. Special class caseload limits and contracted C.B.T.U. slots must be maintained to ensure that all students in the setting receive educational benefit. In situations where more than one student is being considered for a change of placement, the Program Options Review Committee (or the Valley Mental Health intake team in the case of C.B.T.U. placements and placement committees for 18 -22 year old programs and Bridges) will determine priority of educational need. If needed, additional resources may be temporarily allocated to the neighborhood school until the student can be placed in an appropriate special class.

### **Change of Placement to a More Restrictive Environment:**

When a school team is considering a change of placement to a more restrictive setting, following procedures must be followed.

7. The IEP team must be convened to review and revise the IEP, including adding additional measurable annual goals and reviewing current amount of services. Parent input should be solicited regarding the educational concerns brought forth by of the school members of the IEP team. An IEP Addendum shall be completed to reflect revisions to the current IEP.
8. In the student's current educational setting, increased special education services and interventions (academic and/or social/behavioral) must be attempted and data collected before consideration of a change of placement. This includes the following:
  - a. The IEP must reflect up to 180 minutes per day of special education services in the current setting.
  - b. Data in the current setting with increased services must be collected on the areas of concern for a minimum of six to eight weeks to determine if the student improves with increased services in the student's current setting and/or implementation of evidence-based interventions.

On a case-by-case basis, the six to eight week period may be reduced after consultation with the school's special education consultant. In such cases, sufficient data need to be collected by the school to support the circumstances.

- c. When social/behavioral issues are the primary concern, a functional behavioral assessment and behavior intervention plan must be developed and implemented (see TA Paper: Behavior Intervention Plans in Discipline section of Special

9. The Consultant should be informed of the specific student concerns in order to support, if needed, the revision of the IEP, data collection method for areas of concern and development of a functional behavioral assessment and behavior intervention plan, if needed.

With the support of the consultant, the school team must review the following information for compliance:

- a. Classification and supporting evaluation results;
  - b. Current eligibility;
  - c. The student's current IEP, including services and annual goals;
  - d. Progress towards annual goals and objectives;
  - e. IEP progress reports sent home to parents; and
  - f. Documentation and data from interventions.
10. The parent must be sent a progress report indicating the progress on IEP goals with the increased special education services and implementation of interventions.

If the school team is recommending that the student may need a more restrictive environment, the parents must be informed that the school team members still have educational concerns and is considering other special education program options to support their child's educational needs.

11. For consideration for a change of placement to Diagnostic, Academic Support, Behavior Support or Functional Academic self-contained classes, the student's name will be placed on the agenda of district's LRE Review Committee. The scheduled meeting dates of the LRE Review Committee are included in the annual Special Education Quick Reference Guide.
  - a. The required information and data for the proposed self-contained class must be gathered, organized, and prepared for review by the student's current school team prior to the scheduled meeting with the LRE Review Committee.
  - b. Representative(s) from the student's school shall present the data to the LRE Review Committee, including a plan for the student to return to their neighborhood school once exit criteria are met.
  - c. The LRE Review Committee shall make final recommendations to the school team, which may include:
    - (1) Recommendation that the student's IEP team convene to consider a change placement to a special class or other setting;
    - (2) Recommendation that additional data be collected for an established time period with additional review by the LRE Review Committee after additional data are collected; or
    - (3) Maintain current services and placement at the student's neighborhood school with additional recommendations for support.

12. For consideration of C.B.T.U, Special Programs class at East High, Bridges, or Home/Hospital programs, the school team will present required data and supporting

information to the appropriate intake committees that support the need for the proposed more restrictive educational setting. The intake committee will make the determination of whether the student meets the criteria for the proposed setting.

13. When a parent suggests that a student's educational needs may require a residential placement, the school must contact the Exceptional Children Services Director for guidance. It is the responsibility to Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education to provide necessary educational services to ensure the student receive a free appropriate public education.
14. If a change of placement to a more restrictive environment is recommended, the parents will be contacted by the student's current special education teacher to schedule an IEP meeting. Only the IEP team can finalize a change of placement, despite the recommendations of the LRE Review Committee or appropriate intake committees for other programs.

The following shall occur to complete the change to a more restrictive environment:

- a. The student's current special education teacher, with the support of the consultant, will schedule an IEP meeting. The student's new special education teacher for the proposed self-contained placement shall be invited to the meeting.
- b. At the IEP meeting, the current school's IEP team shall facilitate the meeting. The following paperwork and information must be completed:
  - (1) input as to why the student needs a more restrictive education placement. Parental input must be gathered during this process.
  - (2) the Prior Notice of Change of Placement form,
  - (3) an addendum to the IEP noting the change in services and any new measurable annual goals that would be appropriate in the new setting, which should be done in consultation with the new special education teacher,
  - (4) any additional forms and documentation required for the file to be in compliance,
  - (5) determination of a beginning date for the new placement, and
  - (6) determination of transportation arrangements, if transportation is going to be a related service.
- c. At the request of the parents, the special education consultant at the student's current school will facilitate the parent observing in the recommended special class.
- d. If possible prior to the student beginning in the new setting, the receiving teacher will observe student in his/her current setting.
- e. If the parent disagrees with the recommended change of placement, the consultant will facilitate writing a Prior Written Notice letter to the parent.
- f. The student's special education file must be in complete compliance before it is delivered to the receiving special education teacher.

**Change of Placement from Special Class to Special Class or Preschool to Kindergarten:**

15. Placement of preschool students who were identified, classified and placed in a district special education preschool program and are transitioning to kindergarten will be reviewed by the district preschool transition committee in the spring prior to beginning kindergarten.
  - a. Determination of a special class (Diagnostic, Functional Academics, or Behavior support), intake for a C.B.T.U. placement, or placement at the student's neighborhood school will be made after the student has been observed in their current preschool setting.
  - b. The student's progress on their current IEP goals will determine if a new evaluation is necessary prior to transitioning to kindergarten.
  - c. An IEP meeting will be held to transition the student from preschool to their kindergarten placement. At the transition meeting the following will occur:
    - (1) determination of the new placement for kindergarten and completion of a Prior Notice of Change of Placement form if the student is moving to a more or less restrictive environment,
    - (2) an addendum to the IEP noting the change in services, which should be done in consultation with the new special education teacher,
    - (3) any additional forms and documentation required for the file to be in compliance, and
    - (4) determination of transportation arrangements, if transportation is going to be a related service.
  - d. If the parent disagrees with the recommended change of placement, the consultant will facilitate writing a Prior Written Notice letter to the parent.
  - e. The student's special education file must be in complete compliance before it is delivered to the receiving special education teacher.
16. Students currently placed in a Diagnostic special class and needing to transition to a new setting due to their educational needs or entering second grade next school year will be reviewed by the LRE Review Committee in the spring of each year:
  - a. Determination of a different special class (Functional Academics, Academic Support or Behavior support), intake for a C.B.T.U. placement, or placement at the student's neighborhood school will be made after the Diagnostic special education teacher presents the student to the LRE Review Committee.
  - b. The student's progress on their current IEP goals will determine if a new evaluation is necessary prior to transitioning to a new setting.
  - c. An IEP meeting will be held to transition the student from the Diagnostic special class setting to their new setting. At the transition meeting the following will occur:
    - (1) completion of a Prior Notice of Change of Placement form if the student is moving to a less restrictive environment,



- (2) an addendum to the IEP noting the change in services, which should be done in consultation with the new special education teacher,
    - (3) any additional forms and documentation required for the file to be in compliance, and
    - (4) determination of transportation arrangements, if transportation is going to be a related service.
  - d. If the parent disagrees with the recommended change of placement, the consultant will facilitate writing a Prior Written Notice letter to the parent.
  - e. The student's special education file must be in complete compliance before it is delivered to the receiving special education teacher.
17. When the IEP team of a student in a special class placement has educational concerns about the student's current educational setting, the procedures described above (#7 - #12) must occur which includes scheduling a meeting with the LRE Review Committee or appropriate intake committee for consideration of a change to a different special class in Salt Lake City School District.
- a. When scheduling the meeting, the current special education teacher shall have supporting data and information to support a proposed change, including:
    - (1) student background and evaluation data information
    - (2) a description of the educational concerns in the current setting
    - (3) interventions implemented in the current setting and data showing the outcome of the interventions
    - (4) desired student outcome in recommending a new special class setting.
  - b. The LRE Review Committee or appropriate intake committee shall make final recommendations to the current school's team, which may include:
    - (1) Recommendation that the student's IEP team convene to change the setting to a different special class or other setting;
    - (2) Recommendation that additional data be collected for an established time period with additional review by the LRE Review Committee or appropriate intake committee after additional data are collected; or
    - (3) Maintain current services and special class placement with additional recommendations for support.

### **Placement into a Less Restrictive Environment:**

When the student has met the exit criteria established for the special class or program and a return to the student's neighborhood school with Resource support and supplemental aids and services is appropriate, the following procedures must be followed.

18. The student's current teacher shall contact their special education consultant to review the student's current education progress.
19. The Consultant and school team will review the following information:
  - a. current eligibility and supporting documentation;
  - b. the student's current IEP, including services and annual goals;
  - c. progress towards annual goals and objectives; and
  - d. documentation and data of successful interventions and recommendations for interventions and supplemental aids and services that can be implemented in a lesser restrictive environment.
20. The consultant in collaboration with the neighborhood school special education consultant will notify the home school administration and special education teacher (or in the case of secondary settings the Resource Department Chair) of the student's successfully meeting exit criteria for the current special class placement and proposed return of the student to their neighborhood school with Resource support.
21. The parent shall be notified that the student has met the exit criteria for the current special class placement and is ready to return the student to his/her neighborhood school with Resource support or in the case of secondary settings to change the student's placement to Resource.
22. An IEP meeting will be scheduled with the receiving school team or Resource department team to review the student's current progress and present data to support that the student has met exit criteria for return to the student's neighborhood school to receive Resource services.

For secondary settings where the self-contained class is at the neighborhood school, the IEP team, including the parents, will determine that the student has met academic and/or social-behavioral criteria to no longer need special class services.

At the IEP meeting the following will occur:

- a. completion of Prior Notice of Change of Placement form;
- b. an addendum to the IEP noting the change in services, which should be done in consultation with the new special education teacher;
- c. any additional forms and documentation required for the file to be in compliance;

- d. discussion of strategies to assist the student's transition to the new school or Resource setting in secondary schools;
  - e. determination of a beginning date for the new placement; and
  - f. Notification to the Transportation Department of the end date for transportation services.
23. For students returning to their neighborhood school or to a Resource setting in secondary schools, the beginning date for the new placement should be determined based on a time that will best support the student's success (e.g., beginning of term/trimester, beginning of new semester, beginning of new school year).

**DIAGNOSTIC CLASS  
PLACEMENT AND EXIT CRITERIA**

Purpose	Program Overview	Educational Outcomes
<ul style="list-style-type: none"> <li>Designed for classified kindergarten or first grade students who need intensive academic and school skill interventions in order to succeed in the primary grades.</li> <li>Emphasis on addressing deficits in academic skills in literacy, numeracy, or oral language and/or adaptive or social-behavioral skills needed for kindergarten and first grade</li> </ul>	<ul style="list-style-type: none"> <li>Focus on intensive remediation of achievement deficits (reading, math, written expression, oral expression)</li> <li>Academic instruction in the core curriculum at the student's developmental and instructional level</li> <li>Instruction using the district's elementary language arts and math curriculum and grade-level core standards</li> <li>Assessed with district assessments (kindergarten assessment, DIBELS, reading assessment) with approved accommodations, as needed</li> <li>Structured teaching of "school" and social skills in the classroom, lunchroom, recess, and other school activities</li> <li>Integration into general education classes for a portion of the school day with appropriate supports (if necessary) based on student's progress on IEP goals</li> </ul>	<ul style="list-style-type: none"> <li>Return to the general education setting with Resource support or placement in a different special class based on the student's educational progress and needs</li> <li>Demonstration of successful school skills in order to access the general curriculum for a greater percentage of the school day with supports, as needed</li> <li>Significant progress in the acquisition of literacy, numeracy, oral language, school skills, and social skills based on the student's developmental level</li> </ul>

Placement Criteria
<ul style="list-style-type: none"> <li>Multiple areas of need in core skills (e.g., literacy, numeracy, oral language, adaptive behavior, and/or social/emotional behavior)</li> <li>Consistent attempts during the school day at toilet training and/or adhering to a toilet training schedule</li> <li>Consistent attempts at fine motor skill training</li> </ul>

Exit Criteria to Resource setting at Neighborhood School	Criteria for Transitioning to a Different Special Class (Academic Support, Behavior Support, Functional Academics)
<ul style="list-style-type: none"> <li>Integration into general education setting with accommodations, if needed</li> <li>Ability to independent navigate the school environment</li> <li>Ability to engage in teacher pleasing behaviors, with prompts as needed</li> <li>Ability to work independently in school activities with minimal support</li> <li>Meet core curriculum requirements that are within a developmental and instructional range expected of general education instruction with Resource support</li> <li>Ability to participate in whole group instruction</li> </ul>	<ul style="list-style-type: none"> <li>Need for continued intensive instruction in core curriculum or in a modified functional curriculum</li> <li>Need for small group instruction for the majority of the day</li> <li>Continued intensive environmental structure to support school skills</li> <li>Need for accommodations and supports to navigate the school environment</li> <li>Required adaptations or modifications of the academic content in one or more areas</li> <li>Needs consistent support to independently participate in the classroom</li> </ul>

	<ul style="list-style-type: none"><li>• School day would be disrupted frequently due to related services</li></ul>
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## ACADEMIC SUPPORT CLASS PLACEMENT AND EXIT CRITERIA

Purpose	Program Overview	Educational Outcomes
<ul style="list-style-type: none"> <li>Emphasis on addressing ability/achievement deficits through adaptations and accommodations</li> <li>Designed for students with average or low average ability who have significant achievement deficits in reading, math, written language, and/or communication deficits</li> </ul>	<ul style="list-style-type: none"> <li>Integration into general education classes with accommodations, if necessary, based on student progress on IEP goals</li> <li>Focus on intensive remediation of achievement deficits (reading, math, written expression)</li> <li>Academic instruction in the core curriculum at the student's academic level</li> <li>Strategy instruction to support independence and problem solving including "school skills" and "teacher pleasing behaviors"</li> <li>High School: applied life skills curriculum to address transition needs</li> </ul>	<ul style="list-style-type: none"> <li>Meet core curriculum standards and participate in state CRTs and district assessments with accommodations</li> <li>Acquire learning strategies to be an independent learner</li> <li>Develop successful school skills to access the general curriculum and extracurricular activities</li> <li>Develop literacy and numeracy skills</li> <li>High School: Access district vocational training programs to address transition needs, emphasizing job acquisition skills</li> </ul>

Required Information Evaluations/Assessment Results, and Data to Support Proposed Special Class Placement
<ul style="list-style-type: none"> <li>Current eligibility and IEP, with progress toward annual goals documented</li> <li>Stable standardized assessments (if more than one evaluation) showing cognitive/IQ scores <math>\geq 76</math> standard score</li> <li>Achievement scores, criterion-referenced tests, curriculum-based assessments, and work samples showing significant deficits in reading, math, and written expression and/or communication</li> <li>Progress monitoring data on current IEP goals graphed and summarized</li> <li>District reports showing that CRT scores in English Language Arts, math, and science (if appropriate) over two years have not changed beyond a 2A</li> <li>Service time on current IEP reflects at least 180 minutes per day in Resource setting for reading, language arts, and math</li> <li>For students with social skills deficits, data showing social skills instruction and interventions have been provided (with sufficient time to implement) and the results summarized</li> <li>Data showing low incidents of aggression and acting out behaviors (intensity, frequency, and duration) across school settings during the school day</li> </ul>

Placement Criteria	Exit Criteria (Return to Less Restrictive Environment or consideration of a different Special Class program)
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<ul style="list-style-type: none"> <li>• Ability (cognitive/IQ) score <math>\geq 76</math> standard score</li> <li>• Academic achievement is significantly below average across multiple areas (reading, math, written language, communication)</li> <li>• Data supports a more restrictive setting is necessary in order to address the student's significant academic deficits</li> <li>• Significant academic deficits are not the result of severe behavior deficits</li> </ul>	<p>Data from Academic Support class show:</p> <ul style="list-style-type: none"> <li>• Sustained progress toward IEP goals</li> <li>• District interim assessments and benchmarks and CRT results show student has made significant academic gains (Note: student does not need to be a grade level to return to a less restrictive environment)</li> <li>• Student has demonstrated success integrating into regular education and/or Resource Language Arts and/or math classes for at least a term/trimester</li> </ul>
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## BEHAVIOR SUPPORT CLASS PLACEMENT AND EXIT CRITERIA

Purpose	Program Overview	Educational Outcomes
<ul style="list-style-type: none"> <li>Intensive programming in behavior modification and generalization of social skills</li> <li>Designed for students with average or low average ability who have significant behavioral, social-emotional, and/or communication deficits</li> </ul>	<ul style="list-style-type: none"> <li>Behavior modification, social skills and “teacher pleasing behavior” instruction based on student assessments, functional behavioral assessments, and behavior intervention plans</li> <li>Level system with privileges earned (i.e., mainstream classes)</li> <li>Focus on intensive remediation of behavioral and achievement deficits</li> <li>Integration into regular education classes with behavior supports and accommodations, if necessary, based on student progress on behavior plan and IEP goals</li> <li>Strategy instruction to support independence and problem solving</li> <li>Academic instruction in the core curriculum at the student’s ability level</li> <li>High School: applied life skills curriculum to address transition needs</li> </ul>	<ul style="list-style-type: none"> <li>Access core curriculum and participation in state-and district-assessments (CRTs, DWA, etc.) with appropriate accommodations</li> <li>Refine social behavioral skills (i.e., problem solving, conflict management, etc.)</li> <li>Demonstrate school success skills (i.e. “teacher pleasing behaviors”)</li> <li>High School: transition to adult skills, specifically acquiring vocational and job-keeping skills</li> </ul>

Required Information and Data to Support Proposed Special Class Placement
<ul style="list-style-type: none"> <li>Current eligibility and IEP, with progress toward annual goals documented</li> <li>Behavior goal on IEP or an IEP Addendum with a behavior goal added (with sufficient time to implement) and progress data graphed</li> <li>Service time on IEP added to reflect 180 minutes (self-contained Resource) with sufficient time having passed to collect behavior change data</li> <li>Functional Behavior Assessment (FUBA) developed showing intensity, frequency and duration of targeted behavior(s)</li> <li>Behavior Intervention Plan (BIP) developed showing targeted behavioral interventions with sufficient time to implement</li> <li>School-wide Tier 1 and Tier 2 behavior intervention data for student collected and graphed</li> <li>Office discipline referral information summarized (i.e., Educator’s Handbook)</li> </ul>

Placement Criteria	Exit Criteria (Return to Less Restrictive Environment or consideration of a different Special Class program)
<ul style="list-style-type: none"> <li>Above data sources indicate insufficient progress on targeted interventions</li> <li>Behavior is exhibited across school settings during the school day</li> </ul>	<p>Data from Behavior Support Class show:</p> <ul style="list-style-type: none"> <li>Low frequency of prompts and reinforcement for behavior goals and referring target behaviors</li> <li>Sustained progress toward IEP goals</li> <li>Maintenance of school success skills (i.e., “teacher pleasing behaviors” as well as academic progress) outside of Behavior Support Class setting</li> </ul>



	<ul style="list-style-type: none"><li>• Low incidents of aggression and acting out behaviors across school settings during the school day</li></ul>
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## FUNCTIONAL ACADEMICS CLASS PLACEMENT AND EXIT CRITERIA

Purpose	Program Overview	Educational Outcomes
<ul style="list-style-type: none"> <li>Acquisition of functional academic, adaptive behavior, and communication skills at all grade levels</li> <li>Emphasis on functional academics in reading, math, written expression, and social skills</li> <li>Designed for students with below average ability paired with significant academic and adaptive behavior deficits</li> </ul>	<ul style="list-style-type: none"> <li>Functional curriculum with focus on applied life skills and independence</li> <li>Academic instruction in the acquisition of functional reading, math, written expression</li> <li>Social skills and language lessons to support student's adaptive behavior needs</li> <li>Modification of core curriculum standards through the USOE's Essential Elements</li> <li>Integration into general education classes for electives and extra-curricular activities</li> <li>High School: vocational and community access training</li> </ul>	<ul style="list-style-type: none"> <li>Assessed through Utah Alternate Assessment (UAA) for state- and district-assessments</li> <li>Functional life skills and academics</li> <li>Functional social skills</li> <li>High School: Pre-vocational skills, community access, and independent living training</li> </ul>

Required Information Evaluations/Assessment Results, and Data to Support Proposed Special Class Placement
<ul style="list-style-type: none"> <li>Stable standardized assessments showing Cognitive/IQ scores between <math>\leq 75</math> to <math>\geq 50</math></li> <li>Adaptive Behavior standard scores summarized and data to support deficits in a school setting</li> <li>Achievement scores, criterion-referenced scores, curriculum-based assessments and work samples showing deficits in reading, math, and written expression</li> <li>Data summarized showing deficits in communication, daily living skills, and classroom and school skills</li> <li>Current eligibility and IEP including IEP Addendum to adjust goals and services, including data showing sufficient time to implement IEP and progress toward annual goals documented and graphed</li> <li>Summary of interventions attempted at referring school with supplemental aids and services</li> </ul>

Placement Criteria	Exit Criteria (Return to Less Restrictive Environment or consideration of a different Special Class program)
<ul style="list-style-type: none"> <li>Below average ability (<math>\leq 75</math> to <math>\geq 50</math>)</li> <li>Academic achievement scores consistently below average across reading, math, and written expression</li> <li>Data from adaptive behavior, communication, daily living skills, and classroom and school skills to support the need for explicit instruction through a functional curriculum and modified core curriculum standards</li> </ul>	<p>Data from Functional Academics class show:</p> <ul style="list-style-type: none"> <li>Integration into classes outside of Functional Academics class show sustained achievement (with accommodations) and appropriate school and classroom behaviors</li> </ul>

**BEHAVIOR**

**PROCEDURES**

**Procedures for Addressing Behavior: Measurable Annual Goals, Functional Behavior Assessments, and Behavior Intervention Plans**  
**(Revised May 2013)**

1. When a student's behavior impedes the student from learning or impedes the learning of others, the IEP team must consider the use of positive behavioral interventions and supports and other strategies to address the student's behavior.

When making decisions on behavioral interventions, the IEP team shall refer to the USOE Special Education Least Restrictive Behavior Interventions (LRBI) Guidelines for information on research-based intervention strategies. The guidelines are available on the Utah State Office of Education Special Education Department's website.

2. In instances where is determined as a special factor on the student's IEP, the IEP team should:
  - a. Include a PLAAFP statement under Social/Emotional, write a measureable annual goal(s) to address the student behavior, or
  - b. Conduct a functional behavioral assessment (see TA Paper: Functional Behavior) must be conducted and write a Behavior Intervention Plan (See TA Paper: Behavior Interventions Plan) based on the results of the functional behavioral assessment.
3. When conducting a the functional behavior assessment, the following procedures shall be followed:
  - a. Before beginning a functional behavior assessment, parents must give written consent. A Written Prior Notice and Consent for Evaluation/Re-Evaluation form must completed with the following areas marked, Social/Behavioral and Other.
  - b. The district-approved functional behavior assessment form (Goalview—FBA) must be used.
  - c. The completed functional behavior assessment should be printed and placed in the in the student's special education file in the divider 5 section: Notice of Meetings, Functional Behavior Assessments, and Behavior Intervention Plans.
  - d. The parents shall receive a copy of the functional behavior assessment.
  - e. If the school team needs support in completing the functional behavior assessment, the school psychologist should be contacted.

4. Based on the outcome of the functional behavior assessment, a behavior intervention plan shall be developed. The following procedures shall be followed:
  - a. The district-approved behavior intervention plan (Goalview—BIP) must be used.
  - b. The specific behavior from the functional behavior assessment must be transferred to the behavior intervention plan.
  - c. The remainder of the behavior intervention plan shall be completed by the school team to ensure that the selected interventions will be implemented as agreed upon by the person responsible.
  - d. The behavior intervention plan must include an assessment and evaluation component that includes a predetermined number of weeks that the intervention will be implemented, a statement of the extent the interventions were implemented, and a summary of the student progress data collected on the effectiveness of the intervention.
  - e. The IEP team shall:
    - (1) Review and approve the initial behavior intervention plan; and
    - (2) Reconvene to assess and evaluate the results of the plan and determine if revisions are necessary.
  - f. The behavior intervention plan should be printed and placed in the in the student's special education file in the divider 5 section: Notice of Meetings, Functional Behavior Assessments, and Behavior Intervention Plans and the parents should receive a copy.

## **Technical Assistance Paper: Functional Behavioral Assessment (FUBA)**

Before an IEP team can develop an appropriate Behavior Intervention Plan (BIP) for a student demonstrating behavioral challenges we need to try to understand what the function the behavior serves for the student.

### **The Rule:**

#### **V. C. SERVICES**

1. A student with a disability who is removed from the student's current placement must:
  - b. 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.

#### **V. E. MANIFESTATION DETERMINATION**

4. If the LEA, the parent, and relevant members of the student's IEP team make the determination that the conduct was a manifestation of the student's disability, the IEP team must:
  - a. Either
    - (1) Conduct a functional behavioral assessment (FUBA), unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
    - (2) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

### **Questions/Answers:**

- Q.** What is a Functional Behavioral Assessment (FUBA)?
- A.** A FUBA is a data collection procedure used to develop an informed guess (hypothesis) as to what it is in the student's environment that may be a contributing factor to his/her inappropriate behavior(s) or what function the behavior serves.
- Q.** Why would you want to conduct a FUBA?

**A.** It would be appropriate to conduct a FUBA when you are trying to understand what factors there are in the student's environment that may be contributing to inappropriate behavior. Understanding the potential underlying causes will assist you in developing a behavior intervention plan to address the behavior or to identify what communicative function the behavior serves.

**Q.** What does the environment have to do with inappropriate behavior?

**A.** Inappropriate behaviors occur within the context of the student's environment; they interact with each other. If the inappropriate behavior is to change, we need to examine the environment in which the inappropriate behavior occurs in an attempt to figure out what the triggers might be.

**Q.** Is there anything else that might "cause" the student's inappropriate behavior?

**A.** Yes. In most cases, the student's inappropriate behavior serves a purpose or a function for him/her. In other words, somehow the inappropriate behavior is helping the student get his/her needs and wants met; in the end, he/she is getting something out of the inappropriate behavior or he/she wouldn't do it.

**Q.** So, once we understand why the student is demonstrating inappropriate behavior then we can figure out what to do about it?

**A.** That's the idea; once we understand that inappropriate behaviors serve a specific purpose for the student, we can focus on how to manage it and/or assist the student to get his/her needs or wants met in a more appropriate way.

**Q.** When is a FUBA required?

**A.** The only time a FUBA is required is when a manifestation determination meeting has been completed and the team determined that the conduct in question was a manifest of the student's disability. (See document for Manifestation Determination)

**Q.** Are there other times when completing a FUBA should be considered?

- A.** Yes. The Rules also suggest that a FUBA be completed, *as appropriate*, for any student who has been removed for more than 10 school days. The thought here is that since the student's behavior is likely to be the cause of the removal of more than 10 days (possibly considered to be a change of placement) that it would be prudent to conduct a FUBA, if one hasn't already been completed, which would lead to the development of an appropriate behavior intervention plan to address the behavior.

Additionally, a FUBA can be completed anytime you have a need/desire to determine or understand why a student is demonstrating inappropriate behaviors so you can appropriately design an intervention to address those behaviors. Persistent behaviors that might trigger the need for a FUBA would include: those that are likely to cause injury to self or others; those that cause significant property damage; those that interfere with the education of other students; and/or those that interfere with the target student's own education.

There is nothing in the Rules that prohibits proactive activities.

- Q.** Are FUBAs only for students with disabilities?
- A.** Although there are only laws/rules relating to FUBAs for students with disabilities, there is nothing that would prohibit completing one for a student participating solely in the general education curriculum.
- Q.** Who conducts a FUBA?
- A.** A FUBA should be conducted by a team of professionals who know the student and have information to contribute or who become knowledgeable through the review of data. In addition, at least one team member should have knowledge/training in how to conduct a FUBA.
- Q.** Should the parent be involved?
- A.** A parent should always be involved with his/her child's education and as a member of the IEP team would be required to be involved in any activity that involves the special education process. Parents can provide a great deal of



useful information for the FUBA and should be involved in the development of any behavioral intervention plans; parent support is crucial when implementing behavior interventions.

**Q.** Is there a specific form that must be used to complete the FUBA?

**A.** Yes. Salt Lake City School District procedures require that the Goalview FUBA is used.

**Q.** What are the components of a FUBA?

**A.** A FUBA should assist the team in:

- 1) defining the specific behavior (target behavior)
- 2) identifying what is likely to “set-off” the behavior (antecedents)
  - what happens right before the behavior it’s most likely to occur
  - what time of day it’s most likely to occur
  - where it’s likely to occur
  - what activities are going on at the time it’s most likely to occur
  - who is present when it’s most likely to occur and as important,
  - when the student is most successful
- 3) what the consequences (positive and/or negative) of the behavior are
- 4) hypothesizing why the behavior occurs (what the payoff or function of the behavior is)
- 5) identifying an appropriate replacement behavior that can be addressed through a behavioral intervention plan

**Q.** What do you do after the FUBA has been completed?

**A.** In most instances, after a FUBA has been completed the team should develop a behavioral intervention plan to appropriately address the inappropriate behavior and to assist the student with getting his/her needs met in a more appropriate way.

**Bottom Line:****All students (general or special education):**

If a student is demonstrating inappropriate behavior in the school setting, a school team may choose to be proactive and conduct a FUBA in an attempt to determine why the student is behaving in this manner.

**Special Education students:**

If the student has been removed from the school setting for more than 10 school days and through a manifestation determination meeting it is determined that the behavior was directly and substantially related to the student's disability a FUBA must be completed or reviewed if one has already been completed. Additionally, if a student has been removed from the school setting for 10 or more school days and it constitutes a change of placement the Rules prompt the team to complete a FUBA, as necessary.

## **Technical Assistance Paper: Behavioral Intervention Plan (BIP)**

It is difficult to address the need for a Functional Behavior Assessment (FUBA) without also discussing a Behavioral Intervention Plan (BIP). The two go hand-in-hand.

### **The Rule:**

#### **V. C. SERVICES**

1. A student with a disability who is removed from the student's current placement must:
  - b. 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.

#### **V. E. MANIFESTATION DETERMINATION**

4. If the LEA, the parent, and relevant members of the student's IEP team make the de-termination that the conduct was a manifestation of the student's disability, the IEP team must:
  - a. Either
    - (1) Conduct a functional behavioral assessment (FUBA), unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
    - (2) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and
  - b. Unless the misconduct falls under the definition of special circumstances in V. E. 5, return the student to the placement from which the student was removed, unless the parent and the LEA agree to change of placement as part of the modification of the behavioral intervention plan.

### **Questions/Answers:**

**Q.** What is a Behavioral Intervention Plan (BIP)?

**A.** Our State Rules define a Behavioral Intervention Plan (BIP) as a written plan for changing a student's behavior, including target behavior, strategies for teaching replacement behavior, reinforcers, and a schedule for review of intervention

effectiveness data. In other words, it is an educational plan designed by and for school personnel to address a student's challenging, disruptive, and/or inappropriate behavior(s).

**Q.** When would a BIP be required?

**A.** Anytime it is determined that a student's conduct was a manifestation of the student's disability (See document for Manifestation Determination) the IEP team must conduct a FUBA (See document for Functional Behavior Assessment) and develop a behavior intervention plan (BIP) if one has not already been developed.

**Q.** What if it has been determined that a student's conduct was a manifestation of the student's disability and a BIP has already been developed?

**A.** The IEP team must review the existing BIP and make adjustments, as necessary, to address the behavior.

**Q.** Are there other times that a developing a BIP would be appropriate?

**A.** Yes. Although not required, it would certainly be proactive to develop a BIP for students demonstrating inappropriate behavior(s) at anytime such behavior(s) interfere with the student's education or the education of others. It would always be deemed appropriate to address problematic behavior well before the student faces removal from school.

**Q.** Who develops the BIP?

**A.** The BIP should be developed by the student's IEP team. That said, it would not be uncommon for members of the IEP team to draft a proposal for a BIP to present to the entire IEP team to consider and fine tune prior to its implementation.

**Q.** Should the parent be involved?

**A.** A parent should always be involved with his/her child's education and as a member of the IEP team would be required to be involved in any activity that involves the special education process. Parents can provide a great deal of useful information for the BIP;

parent support is crucial when implementing behavior interventions.

**Q.** Is there a specific form that must be used to complete the BIP?

**A.** Yes. Salt Lake City School District procedures require that the Goalview FUBA is used.

**Q.** What are the components of a BIP?

**A.** An appropriate BIP should include (minimally) the following components:

- (1) an operational definition of the specific target behavior
- (2) identification of the replacement behavior
- (3) identification of positive behavior supports
- (4) schedule of reinforcement
- (5) identification of consequences (positive and/or negative)/correction procedure
- (6) a description of the overall plan (i.e., use of chart moves, mystery motivators)
- (7) a description of the data collection/tracking system
- (8) an emergency clause

**Q.** What do you do after the BIP has been completed?

**A.** Ensure that everyone involved is clear about his/her role in implementing the plan, and begin implementation.

**Q.** Does the BIP have to become part of the IEP?

**A.** There are mixed opinions as to whether or not the BIP must be considered part of the student's IEP. Prior to 1997, IDEA as it existed, did not necessarily require that IEPs include behavior methods or plans. However, since that time it has been made clear that the IEP team is responsible for addressing the behaviors that disrupt the learning of the student and others in the school environment suggesting that the BIP should be part of the IEP. However, there is no statutory language in IDEA explicitly requiring that a BIP become part of the student's IEP. Yet, one of the special factors to be considered by the IEP team regards the consideration of addressing student behavior

that impedes his or her own learning or that of others is required. So in a sense, if the answer is yes to the special factor question, due to the development of a BIP, the BIP would be considered part of the IEP.

Salt Lake City School District has determined and included in its procedures that for best practices purposes the behavior intervention plan should not be included as part of the IEP but remain a separate document that the team develops, reviews and revises to address the student's behavior. If appropriate, the IEP should include a behavior measurable annual goal.

**Bottom Line:**

If a student has been removed from the school setting for more than 10 school days and through a manifestation determination meeting it is determined that the behavior was directly and substantially related to the student's disability, upon completion of a functional behavior assessment, the IEP team must develop a behavior intervention plan (BIP) or review an existing BIP if one has already been developed.

A BIP may also be developed as a proactive measure to address noted behavior that may interfere with the student's or other student's learning.

**Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education Human Rights Committee Information**

***(Revised August 2013)***

The following question and answer format is designed to provide information regarding the Salt Lake City School, Open Classroom and Salt Lake Center for Science Education District Human Rights Committee.

**Q. What is LRBI and where do I find information on it?**

- A.** In 2008, the State Board of Education authorized the revision of the USOE Special Education Least Restrictive Behavior Interventions (LRBI) for use with students' with disabilities. If you do not have a copy you can find one on the Utah Professional Development Center (UPDC) or Utah State Office of Education (USOE) website.

**Q. What are the interventions?**

- A.** The Utah State Office of Education has identified three levels of interventions ranging from Level I/Tier, Level II/Tier II and Level III/Tier III. These interventions are described and defined in the LRBI manual found on the district Special Education website.

**Q. Which interventions require consent from the local Human Rights Committee?**

- A.** If you need to implement a Level III/Tier III Highly Intrusive intervention, you must schedule a meeting with the Human Rights Committee. Refer to the annual Special Education Quick Reference Guide for dates when the Human Rights Committee meets. School teams should call the Special Education Department to schedule a time for one the dates.

**Q. If I do not have consent to use a Level III/Tier III intervention but I find I must use one of these interventions in an emergency situation, what do I do?**

- A.** When this occurs you must document the situation, call the parents, complete an Emergency Contact form, and send a completed copy of the form to the Director of Exceptional Children Services within 24 hours of the emergency intervention.

**Note:** An **emergency intervention** is defined as an intervention for which parental consent has not been obtained that would be necessary to prevent a student from endangering self, others, or engaging in destruction of property or threatening to do so. When you use a Level III/Tier III Highly Intrusive intervention without consent, this constitutes an emergency intervention.

**Q. Where do I get an Emergency Contact form?**

- A.** A copy of this form can be accessed in the LRBI Guidelines (pg 23-25), on the district Special Education website, or a copy is included with these procedures.

**Q. How many times can I use an emergency intervention for an individual student?**

- A.** An emergency intervention can occur no more than once per week, two times in a month, or a total of four times per year. If the frequency exceeds these guidelines, the behavior program must be reviewed by Human Rights Committee.

**Q. What do I need to bring to my meeting with the Human Rights Committee?**

- A.** You must complete the Human Rights Committee Data Collection form. You can find this form on the district Special Education website or a copy is included with these procedures. Fill this form out completely and attach supporting data. Send this information to the Chair of the Human Rights Committee.

**Q. Who do I contact with any questions I might have?**

- A.** Call your special education consultant or Randy Schelble at 801-578-8483.

**Q. What if the IEP team or the parent does not agree with the decision of the Human Rights Committee?**



- A. If a disagreement occurs between the IEP team, including the parent, and the Human Rights Committee, the concerned party may request an appeal in writing to the Chair of the Human Rights Committee. The appeal process can be found in the Least Restrictive Behavior Intervention manual on pages 26-27, Procedure Procedures for Using Level III/Tier III Highly Intrusive Intervention(s).

**Salt Lake City School District, Open Classroom and Salt Lake Center for Science  
Education Human Rights Committee  
Data Collection Review Form**

STUDENT: \_\_\_\_\_ SCHOOL: \_\_\_\_\_

DOB: \_\_\_\_\_ GRADE: \_\_\_\_\_ STUDENT NO.: \_\_\_\_\_

TEACHER: \_\_\_\_\_

HIGHLY INTRUSIVE INTERVENTION REQUESTED TO BE USED:

\_\_\_\_\_

Y N NA

☐ ☐ Target Behavior is appropriately (observable, measurable) defined.

Target Behavior: \_\_\_\_\_

☐ ☐ Clearly documented data attached.

☐ ☐ Data shows a increasing or stable trend of at least 2, Level I/Tier I interventions.

☐ ☐ Data shows an increasing or stable trend of at least 2, Level II/Tier II interventions.

☐ ☐ ☐ Data shows an increasing or stable trend at Level III/Tier III interventions.

☐ ☐ An appropriate Replacement behavior is clearly defined.

Replacement Behavior:

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Recommended Intervention & LRBI Level:

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☐ ☐ Adequate Reinforcement Schedule.

☐ ☐ Adequate data collection system.

☐ ☐ Parents have been informed.

Comments:

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**Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education**  
**Human Rights Committee Summary of Review of**  
**Highly Intrusive Interventions Request**

**Student Name**\_\_\_\_\_ **Requested Intervention**\_\_\_\_\_

**Date**\_\_\_\_\_ **Request of Highly Intrusive Intervention Approved** Yes\_\_\_\_ No\_\_\_\_

**Comments:**

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**Recommendations:**

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Follow up Scheduled:   ☐ Site Visit Date\_\_\_\_\_ ☐ Committee Review Date\_\_\_\_

**Committee Signatures:**

**Date:**

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# **EXTENDED SCHOOL YEAR PROCEDURES**

## Procedures for Determining Extended School Year Services

(Revised January 2013)

Note: Annual dates for ESY data collection, determination of eligibility, documents submissions, and parent notification to implement these procedures are included in the annual Special Education Quick Reference Guide.

1. Extended School Year (ESY) services means special education and related services that are provided to a child with a disability beyond the normal school year, in accordance with the IEP and at no cost to the parent.
  - a. ESY services must be provided *only* if the IEP team determines on an *individual basis* that the services are necessary for the provision of a free appropriate public education.
  - b. In determining eligibility for ESY services, the IEP team may not exclude students for consideration solely on the basis of their category of disability.
  - c. Extended School Year procedures must meet the standards of the USOE (see R-277-751 effective February 7, 2012, Extended School Year for Special Education).
2. Extended School Year services are not the same as regular school enrichment/tutoring programs and/or summer school and are not just an extension of time or duplication of regular school year services. ESY services focus on specific goals selected by the IEP team from the student's current IEP.
3. At each student's annual IEP meeting, the IEP team will review data on goals from the current IEP to determine ESY eligibility. ESY eligibility will be noted on the IEP as either:
  - a. The student is not eligible for ESY services. Data do not show a likelihood of *substantial* regression of learned skills/behavior or the amount of time to recoup those skills is similar to that of students without disabilities or predictive data do not suggest a need for ESY;
  - b. The student is eligible for ESY services. Data show the likelihood of substantial regression and recoupment time or predictive data suggest the need for ESY; OR
  - c. ESY services will be determined later. The current IEP was developed at a time during the school year when data on the goals were inconclusive.

4. New IEP goals may not be added to the IEP for the purpose of receiving ESY services.
5. In making ESY determination, the IEP team must consider and review several sources of educational data collected on current IEP goals. Retrospective analysis of skills (regression and recoupment data) should be the *primary source* of data considered. If retrospective data is not sufficient to determine ESY eligibility, the IEP team should then consider predictive and other data.

The following describe the different data and analysis procedures.

- a. Retrospective data (regression and recoupment of skills)
    - (1) At the beginning of each school year, special education teachers and speech language providers will receive the dates of instructional breaks in the school year when ESY data must be collected for regression and recoupment on identified IEP goals. These dates will be published in the annual Special Education Quick Reference Guide.
    - (2) Regression and recoupment data may include progress monitoring data, benchmarking data, curriculum-based measurement or data that currently exist that are verified through observation or written reports of academic or other performance;
    - (3) To be eligible for ESY services using regression and recoupment data, the rate of recoupment must show that the due to the break instruction progress on goals is *significantly delayed* or the skills were only recouped to a limited degree after services resumed.
  - b. Predictive data

The degree and nature of the student's disability;

    - (1) Any physical or behavior concerns regarding the student in continuing to make progress without ESY;
    - (2) Areas of the student's curriculum that need continuous attention; or
    - (3) Emerging skills the student is learning, which will need to receive ongoing instruction without a significant break.
  - c. Other data sources
    - (1) Circumstantial considerations;
    - (2) Anecdotal reports from teachers, parents, caregivers, or related service providers; or
    - (3) Data from daily performance measures such as self-sufficiency skills, work samples, etc.
6. When the IEP team determines that "The student is eligible for ESY services", the following procedures shall be followed:
    - a. At the IEP meeting where the current IEP is developed, retrospective data on the selected current goal(s) is reviewed. If needed, the team should also consider and review predictive data and other data sources.

- b. The “Written Prior Notice of Eligibility for Extended School Year (ESY) Services” document shall be completed and signed by the IEP team.
  - c. One copy of this document must be given to the parents
  - d. A second copy must be sent to the district ESY coordinator, who will review and coordinate ESY services.
  - e. A third copy must be attached to the student’s current IEP.
  
- 7. When the IEP team determines that “ESY services will be determined later”, the following procedures shall be followed:
  - a. At the IEP meeting where the current IEP is developed, the team must select the goal(s) for which data will be collected for review at a later date.
  - b. Retrospective data and other data must be collected on the selected goals.
  - c. The IEP team *must* reconvene at least 45-days prior to the beginning of projected ESY services to review the data. In addition to retrospective data, the team should also consider and review predictive data and other data sources if retrospective data are insufficient.
  - d. The “Written Prior Notice of Eligibility for Extended School Year (ESY) Services” document shall be completed and signed by the IEP team.
    - (1) One copy of this document must be given to the parents
    - (2) A second copy must be sent to the district ESY coordinator, who will review and coordinate ESY services.
    - (3) A third copy must be attached to the student’s current IEP.
  - e. If prior to reconvening the IEP team, special education teachers and speech language pathologists would like to have their data reviewed and analyzed to determine if the data support extended school year services, they can present the data to the district-level ESY review team.
    - (1) The district-level ESY review team will meet in the spring of each year for scheduled meetings with school teams. The purpose of this team is to support in the analysis of the data.
    - (2) The final decision for ESY services remains the decision of the IEP team.
  
- 8. Once the “Written Prior Notice of Eligibility for Extended School Year (ESY) Services” form is received by the district ESY coordinator, the district will determine the Extended School Year services that the student will receive for the student to receive a free appropriate public education.
  - a. Two copies of the “Extended School Year (ESY) Service Delivery Plan” form and additional information about ESY services will be sent to the student’s special education file manager.
    - (1) One copy of the information should be sent to the parent by the date indicated on the information sheet.



- (2) The second copy should be attached to the student's current IEP.
  - b. The special education must provide the following information to the district ESY coordinator prior to the beginning of ESY services:
    - (1) Copies of the most current *Program Data Sheets* with a brief description of materials used during the school year with a plan for maintaining the skills during ESY.
    - (2) A copy of the student's *Health Care Plan*, if available.
    - (3) A completed *student information* form.
  - c. At the conclusion of ESY services, data gathered during the ESY services will be sent to the student's special education file manager. This information must be attached to the student's IEP when received.
7. Parents must be informed of their child's eligibility for ESY and proposed service delivery **45 calendar days prior to the end of the school year** in order to pursue their administrative remedies under the IDEA if they do not agree with the determination and proposed services.

SALT LAKE CITY SCHOOL DISTRICT, Open Classroom and Salt Lake Center for Science Education

WRITTEN PRIOR NOTICE OF ELIGIBILITY FOR

EXTENDED SCHOOL YEAR

(ESY) SERVICES

Name: \_\_\_\_\_ Student No.: \_\_\_\_\_ Date: \_\_\_\_\_

Special Education Eligibility Classification: \_\_\_\_\_

Grade: \_\_\_\_\_ Age: \_\_\_\_\_ DOB \_\_\_\_\_

Parent/Guardian/Surrogate: \_\_\_\_\_

Street Address: \_\_\_\_\_ Phone: \_\_\_\_\_

School: \_\_\_\_\_ Program: \_\_\_\_\_

Teacher: \_\_\_\_\_

Indicate in each of the following three sections those areas, if any, that are appropriate for the student.

Based on the student's current IEP, indicate the area(s), if any, in which ESY services are required to maintain the current level in order for the student to receive FAPE:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Academic       | <input type="checkbox"/> Functional Skills | <input type="checkbox"/> Social/Behavior |
| <input type="checkbox"/> Physical/Motor | <input type="checkbox"/> Communication     |  |
| <input type="checkbox"/> Other: _____   |  |  |

IEP Goal(s) in areas to be considered for ESY eligibility:

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The IEP team must use a multi-factor approach and consider a variety of data sources in determining eligibility for ESY services including:**

- Predictive Data regarding:

- ☐ Severity & nature of disability
- ☐ Critical learning stages/emerging skill
- ☐ Rate of progress on IEP goals
- ☐ Areas of student's curriculum requiring continuous attention
- ☐ Data from measures of daily performance
- ☐ Other: \_\_\_\_\_

- Circumstantial Considerations:

- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

- Retrospective Data:

- ☐ Regression/recoupment data (i.e., data gathered at the end of instruction before a break, at the beginning of subsequent instruction after a break, and at the time of recoupment of the skill to its former level).

Reasonable recoupment time after a break in instruction is:

Duration of Break	Reasonable Recoupment Period	<b>* Please summarize and attach data on regression &amp; recoupment of skills.</b>
8-12 weeks	20 instructional days	
3-4 weeks	5-7 instructional days	
2 weeks	3 instructional days	

- ☐ Past significant regression on targets: \_\_\_\_\_
- ☐ Rate of recoupment of skills significantly delayed
- ☐ Other: \_\_\_\_\_

**Factors considered for eligibility:**

- ☐ Regression Recoupment data
- ☐ Critical learning stages/emerging skill
- ☐ Severity of disability
- ☐ Maintain Least Restrictive Environment
- ☐ Previous history with predictive data
- ☐ Circumstantial Considerations
- ☐ Inconsistency in retention of skills
- ☐ Other: \_\_\_\_\_

Based on the IEP team's review and analysis of multiple data sources and other factors, the student:

Is eligible for ESY services ☐ is NOT eligible for ESY services ☐

IEP Team Members:

Date: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

**SALT LAKE CITY SCHOOL DISTRICT, Open Classroom and Salt Lake Center for Science  
Education**

**EXTENDED SCHOOL YEAR (ESY)**

**SERVICE DELIVERY PLAN**

Check <b>ONE</b> of the following service model options:	Please indicate the reason(s) for choosing the selected service model option.
<input type="checkbox"/> Parent Consultation	
<input type="checkbox"/> Parent Training	
<input type="checkbox"/> Home Learning Packet	
<input type="checkbox"/> Home Learning Packet* <del>with Teacher Monitoring</del>	
<input type="checkbox"/> Cooperative Program* with Other Agencies Specify::	
<input type="checkbox"/> Homebound*	
<input type="checkbox"/> Community-Based Services*	
<input type="checkbox"/> School-Based Services*  Specify:	

\*This service model option requires district approval.

- **ESY Services required for student to receive FAPE:**

Type of Service(s): \_\_\_\_\_

Amount of Time: \_\_\_\_\_

Location of Services: \_\_\_\_\_

Personnel Responsible: \_\_\_\_\_

- **The teacher must submit the following information to the district:**

1. Copies of your most **current Program Data Sheets** with a brief description of materials used during the school year with a plan for maintaining skills during ESY.
2. Copies of the student's **Health Care Plan** if available.
3. A completed **Student Information Form**.
4. Data gathered during ESY services must be attached to this form at the end of the service delivery period and placed with student's IEP.

*Copies to: (1) Parent*

*(2) District ESY Coordinator*

*(3) Attached to student's current IEP*



# **OTHER SUPPLEMENTAL PROCEDURES**

## Procedures for Using a LEA Representative Designee at IEP Meetings

The LEA Representative is the principal or assistant principal who has been assigned to oversee special education services for students at the school level. It is essential that either the LEA Representative is at IEP meetings or designation of the responsibility occurs to ensure compliance and supervision. The following outlines procedures for schools to follow to ensure that this requirement is met appropriately.

1. A Notice of Meeting must be provided to the parent(s) when an IEP meeting is called to develop an IEP, review or revise the IEP, and/or consider a change of placement. For these meetings, an LEA representative must be in attendance. *Note:* A parent may request at any time that the IEP team convene to review or revise the IEP

For determination of eligibility meetings, federal regulations and Utah special education rules do not require the attendance of an LEA representative (even though there is a place on the form for their signature).

2. The Notice of Meeting must always list the school administrator (principal or assistant principal) as the LEA Representative. This applies to Resource, self-contained, and speech/language-only IEPs in your building.
3. If unable to attend, the principal or assistant principal may designate an appropriate certified person to act as LEA Representative designee prior to the meeting. This should be done on a case-by-case basis and should be documented in writing (e.g., email) after the Notice of Meeting is received. A “blanket” designation of a certified staff member to act as the LEA Representative designee at all meetings should not occur.
4. The LEA Representative’s signature on the IEP serves as documentation that the IEP will be implemented as written. The following become the responsibility of the LEA Representative, even if an LEA Representative designee acts on their behalf for the IEP meeting:
  - a. Will provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
  - b. Is knowledgeable about the general curriculum; **and**
  - c. Is knowledgeable about the availability of resources of the school district.
5. Principals and assistant principals should proceed with caution when delegating someone to act as an LEA Representative designee. The following are examples of individuals who may be considered by the school administration to act as an LEA Representative designee: department chairs, Special Education Consultants, Speech and Hearing coordinator, Special Education Preschool coordinator, or veteran special education teachers. The following are not to act as an LEA Representative designee because they do not meet the above three criteria (see #4): general education teachers, school counselors, provisional special education teachers, school psychologists,

itinerant and related services providers (i.e., occupational therapists, physical therapists, school nurse, adapted PE teachers).

6. If the principal or assistant principal has designated another certified staff person to act on their behalf, the designee should introduce themselves as the acting LEA Representative designee to the parent(s) at the beginning of the meeting. The designee should explain that they will be signing the IEP and further explain that the principal or assistant principal will also review and initial the IEP, confirming that the resources are committed and the services on the IEP will be provided. If the parent(s) do not want a designee to fulfill this responsibility, the IEP meeting should be rescheduled for a time when the principal or assistant principal can be in attendance for the full meeting.
7. If the principal or assistant principal can attend for part of the meeting, they should explain to the parents when they leave that they are delegating “Mr/Ms. Jones” to act as the LEA Representative designee for the remainder of the meeting. The principal or assistant principal should sign the IEP before they leave. At the conclusion of the meeting, the designee should also sign on the LEA Representative line (or above the principal or assistant principal’s signature).
8. If the principal or assistant principal left the meeting prior to its conclusion, the IEP must be reviewed by them after the meeting. Specifically, the following sections should be reviewed so that an administrator is aware of the resources and services commitments for the student’s special education:
  - a. Amount of special education and related service time listed;
  - b. Supplemental aides and services listed; and
  - c. Accommodations for district- and statewide testing.
9. If the principal or assistant principal was not in attendance and had an LEA Representative designee act on their behalf, they must review the IEP (specifically the sections referred to above) and initial next to the LEA Representative designee’s signature. The initials serve as documentation that they have reviewed and commit to the supervision and provision of the agreed upon special education services noted on the IEP.
10. Once reviewed by the principal or assistant principal, the original IEP must be given back to case manager for filing in the student’s special education file.
11. Principals and assistant principals may review a “read only” copy of all students enrolled at their school through Goalview at any time.

## **Procedures for Independent Educational Evaluations**

***(Revised July 2018)***

1. Parents of a student with a disability have the right to request an independent educational evaluation of the student at public expense if they disagree with the results of an evaluation obtained by the Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education.
2. Requests by parents for an independent educational evaluation must be made in writing to the Director of Exceptional Children Services and should identify the evaluation results with which the parent disagrees. The District requests that parents explain the reasons why they object to the District's evaluation.
3. Upon receiving an appropriate request for an independent evaluation, the Director or designee will provide information to the parents regarding (1) independent sources where such an evaluation might be obtained, and (2) the criteria for conducting educational evaluations.
4. A list of qualified individuals who are not employed by the Salt Lake City School District , Open Classroom and Salt Lake Center for Science Education and who meet the district's criteria for independent educational evaluators is kept on file at the Department of Exceptional Children Services and is updated annually by the Director.
5. Criteria for independent educational evaluations:
  - a. Evaluations must be conducted by individuals with appropriate licensure in the areas to be evaluated.
  - b. Evaluations must be conducted by individuals with training in the administration of test instruments to be used.
  - c. Evaluations must be conducted by individuals with professional experience in public education.
  - d. Evaluations must be conducted according to the standards and procedures described in Utah State Board Special Education Rules and Federal regulations.
  - e. Evaluations must be conducted by qualified individuals within a 50 mile radius of Salt Lake County.
  - f. The total cost of conducting the independent educational evaluation may not exceed 125% of the Medicaid reimbursement rate for an equivalent evaluation.
  - g. Evaluations must be conducted by individuals who do not have a financial or business interest in the outcome of the evaluation.

6. An independent educational evaluation conducted at the District's expense becomes the property of the District in its entirety. A complete copy of the results of the independent educational evaluation must be sent by the independent evaluator to the Director of Exceptional Children Services and a copy will be forwarded to the IEP team.
7. The IEP team must consider those results, along with other evaluations and information provided by the parents, current classroom-based assessments and observations, and observations by teachers' related services providers.
8. Using the information that is available, the IEP team must then determine, when appropriate:
  - a. If the student has a disability,
  - b. Whether that disability has an adverse impact on educational performance, and
  - c. If the student by reason of that disability needs special education.
  - d. The team will make other determinations as dictated by the circumstances. (For example, it may determine, under certain circumstances, whether a disability still exists, the present level of performance and educational needs of the child, whether the student needs special education and related services, or still needs them, or whether any changes are needed to meet annual goals and participate in the general curriculum).

Procedures for Responding to Parent Requests to Review and  
Receive Copies of Student Records

*(Revised August 2013)*

1. As part of their procedural safeguards under IDEA, parents of a student with a disability may request to review and receive copies of their child's education records.
  - a. Education records are defined by the Federal regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g (FERPA) and the IDEA, include:
    - (1) Records stored in the student's cumulative folder
    - (2) Contents of the student's Special Education file
    - (3) Discipline file
    - (4) Records maintained separately by teachers, counselors, school psychologists, related service providers, and administrators
    - (5) Outside consultants under contract with the District
    - (6) Records maintained at the District office
    - (7) Emails, sent and received, and applies to all staff
  - b. The following are **not** considered education records:
    - (1) Educator's "sole possession" records
    - (2) Test protocols. Parents may review test protocols but may not have copies of them.
2. When a parent of a student with a disability requests to review or receive copies their child's education records, the request must be complied with without unnecessary delay and before any meeting regarding an IEP, hearing, or resolution. For any request, the district must comply within 45 calendar days after the request has been made.
3. When a request is made by the parent of a student with a disability to review their child's education records, the special education teacher and/or principal shall clarify with the parent what records the parent is asking to review.

- a. If all of the requested records are in the school building, the following shall occur:
    - (1) All of the requested records shall be gathered in one location;
    - (2) The parent will be notified of a convenient time to come to the school to review the requested records; and
    - (3) The teacher or principal will be with the parent during the record review in order to offer explanations and interpretations of the records.
  - b. If not all of the requested records are in the building, the following shall occur:
    - (1) The teacher or principal shall contact the Special Education Consultant assigned to the school to facilitate gathering all of the requested records;
    - (2) The parent will be notified that the records are being collected and that they will be contacted within a reasonable amount of time as to when and where the requested records can be reviewed; and
    - (3) The review of records will occur at the district office.
  - c. Parents have the right to have a representative of the parent inspect and review the records.
4. When a parent of a student with a disability requests copies of their child's education records, the following shall occur:
- a. The special education teacher and/or principal shall clarify with the parent what records the parent is asking to review.
  - b. The principal will contact the Director of Exceptional Children Services to report that a parent of a student with disability has made a request for copies of education records and what records have been requested.
  - c. The principal shall contact the parent to notify the parent that:
    - (1) The records are being collected and copies are being made;
    - (2) The records will be provided to them within a reasonable amount of time; and
    - (3) The parents will be contacted by the district's Exceptional Children Services Department when the records have been copied and are available for pick-up at the district office.

## Procedures for Parent Requests to Personally Observe or Have an Outside Consultant Observe Their Child in the Classroom

1. Visitors in the school and classroom, as well as volunteerism, are encouraged. Expectations for all visitors to schools are described in Salt Lake City School District, Open Classroom and Salt Lake Center for Science Education Policy C-2.
2. Although parent participation in their child's special education is supported, nothing in the Individuals with Disabilities Education Act (IDEA) imposes any obligation on a school district to allow parents or their designated experts to observe in classrooms for evaluative purposes. The IDEA requires that parents of a child with a disability be informed of their student's progress as often as non-disabled peers.
3. Any observation by a parent or an outside observer must be scheduled (no drop-in observations) with the principal and/or Special Education consultant prior to the observation.
4. The parents must state the purpose for the classroom visit and observation;
  - a. A district representative must accompany the parent or outside observer throughout the classroom visit;
  - b. Time, date, and length of the observations must be agreed upon by the parent and district representative; and
  - c. The parent and/or outside consultant must check-in and meet the district representative at the main office prior to going to the classroom.
5. No more than a total of two observations per month by parents and/or outside consultants may occur.
6. In order to prevent disruptions in the classroom and protect the confidentiality of other students in the class, videotaping, audio taping, or photography is not permitted.
7. Parents or outside consultants will not be permitted to disrupt the instruction in the classroom in any way.



8. Parents or outside consultants may not:
  - a. interview the teacher or other school staff during instructional time,
  - b. participate in or interrupt classroom instruction,
  - c. interfere with school data collection activities, or
  - d. disrupt the educational classroom in any way.
9. Observational data collected by outside consultants are to be used as data to monitor student's IEP goals. However, data may be presented and considered only when the IEP team convenes.
10. The teacher or the building principal reserves the right to request that the observations end if they prove disruptive to classroom activities or to the student's behavior during the observation time.

# **Evaluation and Eligibility for Specific Learning Disability**

The Purpose of this sections is to provide specific guidelines and procedures for determining the probability that a student has a specific learning disability using the SLD problem solving rubric.

*Specific Learning Disabilities* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, that affects a student's educational performance. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

If a teacher suspects that a student may have a specific learning disability they should immediately secure an appointment to present the student at the school's Student Services Committee or SSC.

SLCSD, OC, and SLCSE SSC teams will adhere to rule USBE SER II.10 (a-c) for referral, initial evaluation and determining eligibility for SLD.

Schools shall utilize research-based interventions to address individual student difficulties. This involves the expectation that multi-tiered instruction and research-based supplemental and intensive interventions will be attempted on the targeted deficit skill for ~~a minimum of~~ 8 weeks prior to referral for a special education evaluation if the student is suspected of a specific learning disability.

Progress monitoring data shall be collected during the 8 week intervention period and shall indicate the intervention, note the frequency of the intervention (i.e. fidelity, consistency, intensity), and be graphed to show the student's response to the intervention. Student Services teams are responsible for ~~to~~ determining if the student has responded to the intervention, needs additional interventions or programs, or should be referred for a special education evaluation based on progress monitoring data.

When the school team has determined that a referral for evaluation for SLD is appropriate and the evaluation as begun, the special education case manager will collect data in the areas specified by the SLCSD, OC, and SLCSE problem solving rubric for SLD.

**The SLCSD, OC, and SLCSE problem solving rubric for SLD must be completed with a school psychologist.**

The instructions for completing the rubric are outlined on the pages that follow.

## Instructions

Our district SLD Problem Solving Eligibility Rubric contains 9 items which will help teams determine whether a student meets criteria for a classification of specific learning disabilities. Data provided for the different items will inform the team whether the likelihood or probability of a specific learning disability (SLD) is **low, mild, moderate, or strong**. The more items receive ratings in the strong or moderate category, the more likely a student presents with a SLD. Each item is discussed below and includes rationale, data required, and examples.

Start by stating the PRIMARY AREA OF CONCERN for the student at the top of the Rubric. It is critically important to keep this as your main focus as many line items on the Rubric will depend on the PRIMARY AREA OF CONCERN. For example, if the Rubric notes that the primary concern is in Basic Reading, then all the data need to address Basic Reading (not Reading Comprehension or Math Calculation). You can fill out additional eligibility rubrics for a different PRIMARY AREA OF CONCERN, if needed. However, doing so is not required to provide services in all areas of concern as addressed during the IEP process. Data for other areas of concern should be attached to the IEP if services in those areas are going to be provided.

## Guide

1. Benchmark Data																																																																																																																																																															
Rationale	In the Salt Lake City School District, we collect benchmark data via DIBELS and Interim assessments for Language Arts and Math. Benchmark data is collected for the purpose of communicating expectations of learning, planning instruction, monitoring and evaluating learning, and predicting future performance.																																																																																																																																																														
Data required	<b>Most recent</b> DIBELS Composite or LA or Math Interim scores. Remember to select the benchmark data that best matches the PRIMARY AREA OF CONCERN (e.g., LA Interim score for Reading Comprehension, DIBELS for Basic Reading, etc.). This information should be available in the <i>Initial Existing Data Review Documentation</i> form (“Buff Form”).																																																																																																																																																														
Examples	<p>Review the individual student data.</p> <p>DIBELS Composite Score: Green = At or Above Standard typically suggests that there is <b>low</b> probability of learning disabilities High Yellow (use your professional judgment based on benchmark cut off scores) = Approaching grade level standard. The probability of a learning disability is still <b>mild</b>. Low Yellow (use your professional judgment based on benchmark cut scores) = Below grade level benchmark. The probability of a learning disability is <b>moderate</b>. Red = Well below grade level. The probability of specific learning disabilities (SLD) is <b>strong</b>.</p> <table><thead><tr><th></th><th colspan="4">NWF</th><th colspan="4">DORF</th><th colspan="4">COMPOSITE</th></tr><tr><th>ent ID</th><th>CLS</th><th>Need for Support</th><th>WWR</th><th>Need for Support</th><th>Words Correct</th><th>Need for Support</th><th>DORF Accuracy</th><th>Need for Support</th><th>Retell</th><th>Need for Support</th><th>Retell Quality</th><th>Score</th><th>Need for Support</th></tr></thead><tbody><tr><td></td><td>58</td><td></td><td>13</td><td></td><td>47</td><td></td><td>90</td><td></td><td>15</td><td></td><td></td><td>155</td><td></td></tr><tr><td>30</td><td>42</td><td>Intensive</td><td>5</td><td>1</td><td>7</td><td>1</td><td>54</td><td>1</td><td>0</td><td>2</td><td>1</td><td>17</td><td>Intensive</td></tr><tr><td>60</td><td>60</td><td>Core</td><td>15</td><td>3</td><td>29</td><td>1</td><td>83</td><td>2</td><td>15</td><td>3</td><td>3</td><td>116</td><td>Strategic</td></tr><tr><td>66</td><td>57</td><td>Strategic</td><td>13</td><td>3</td><td>34</td><td>2</td><td>89</td><td>2</td><td>29</td><td>3</td><td>4</td><td>135</td><td>Strategic</td></tr><tr><td>01</td><td>56</td><td>Strategic</td><td>18</td><td>3</td><td>35</td><td>2</td><td>88</td><td>2</td><td>19</td><td>3</td><td>1</td><td>140</td><td>Strategic</td></tr><tr><td>33</td><td>33</td><td>Intensive</td><td>10</td><td>2</td><td>51</td><td>3</td><td>91</td><td>3</td><td>15</td><td>3</td><td>2</td><td>152</td><td>Strategic</td></tr><tr><td>87</td><td>55</td><td>Strategic</td><td>9</td><td>2</td><td>48</td><td>3</td><td>96</td><td>3</td><td>9</td><td>2</td><td>1</td><td>159</td><td>Core</td></tr></tbody></table> <p>or</p> <p>INTERIM SCORES: Green/Light Green = typically suggests that the probability of SLD is low Yellow = indicates that the probability of SLD is mild Orange = probability of SLD is likely moderate Red = probability of SLD is likely strong</p> <table><thead><tr><th>Assessment</th><th>Date Taken</th><th>Correct / Possible</th><th>Performance Band</th><th>Percent Correct</th></tr></thead><tbody><tr><td>SLCSD Interim 3 2014-2015 MA Grade 1</td><td>Apr 7, 2015 12:04:00</td><td>16 / 23</td><td>Below Basic</td><td>69.57%</td></tr><tr><td>SLCSD Interim 2 2014-2015 MA Grade 1</td><td>Feb 27, 2015 12:02:00</td><td>12 / 18</td><td>Approaching Proficient</td><td>66.67%</td></tr><tr><td>SLCSD Interim 1 2014-2015 MA Grade 1</td><td>Nov 3, 2014 12:11:00</td><td>3 / 14</td><td>Below Proficient</td><td>21.43%</td></tr></tbody></table>															NWF				DORF				COMPOSITE				ent ID	CLS	Need for Support	WWR	Need for Support	Words Correct	Need for Support	DORF Accuracy	Need for Support	Retell	Need for Support	Retell Quality	Score	Need for Support		58		13		47		90		15			155		30	42	Intensive	5	1	7	1	54	1	0	2	1	17	Intensive	60	60	Core	15	3	29	1	83	2	15	3	3	116	Strategic	66	57	Strategic	13	3	34	2	89	2	29	3	4	135	Strategic	01	56	Strategic	18	3	35	2	88	2	19	3	1	140	Strategic	33	33	Intensive	10	2	51	3	91	3	15	3	2	152	Strategic	87	55	Strategic	9	2	48	3	96	3	9	2	1	159	Core	Assessment	Date Taken	Correct / Possible	Performance Band	Percent Correct	SLCSD Interim 3 2014-2015 MA Grade 1	Apr 7, 2015 12:04:00	16 / 23	Below Basic	69.57%	SLCSD Interim 2 2014-2015 MA Grade 1	Feb 27, 2015 12:02:00	12 / 18	Approaching Proficient	66.67%	SLCSD Interim 1 2014-2015 MA Grade 1	Nov 3, 2014 12:11:00	3 / 14	Below Proficient	21.43%
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2. Benchmark/ Screener Class Peer Comparison																																																																																																																																																																																																																																																																																																																																																																																																						
Rationale	For purposes of determining if a student meets criteria for a specific learning disability (SLD), it is important to rule out if <b>lack of appropriate instruction is a primary factor</b> . Collecting information on the academic performance of classroom peers informs us about appropriate classroom instruction.																																																																																																																																																																																																																																																																																																																																																																																																					
Data required	Obtain classroom benchmark data using either DIBELS or Interim Scores for LA or Math (via Illuminate). Remember to use the same benchmark data as in Item 1. This information should be available in the <i>Initial Existing Data Review Documentation</i> form (“Buff Form”).																																																																																																																																																																																																																																																																																																																																																																																																					
Examples	<ul style="list-style-type: none"><li>• If only 0-24% of peers are at-or-above benchmark this suggests that most class peers struggle, and we cannot confidently rule out lack of appropriate instruction, therefore, the probability of SLD is <b>low</b>.</li><li>• If 25-55% of peers are at-or-above grade level benchmark, many class peers are struggling, suggesting that lack of appropriate instruction may still be a factor and hence, the probability of SLD is <b>mild</b>.</li><li>• If 56-74% of peers are at-or-above grade level benchmark, only some class peers struggle, making lack of appropriate instruction less defensible, therefore, the probability of SLD becomes <b>moderate</b>.</li><li>• If 75-100% of peers are at-or-above grade level benchmark, very few class peers struggle, lack of appropriate instruction becomes very unlikely, and therefore, the probability of SLD is <b>strong</b>.</li></ul>																																																																																																																																																																																																																																																																																																																																																																																																					
Special Instructions	<p>Instructions for determining the % for Class Peer comparison. Review the whole class scores to determine the Class peer comparison:</p> <p>If DIBELS is used in Item 1: Review the class report of DIBELS. To find the Class Peer Comparison: count the number of students in the Green and divide by the total number of students represented in the class DIBELS benchmark. For instance, if 18/23 students fall in the Green, this indicates that 78% of peers are at-or-above grade level benchmark, which in the Problem Solving Eligibility Rubric suggests a <b>strong</b> probability of SLD for the referred student.</p> <table><thead><tr><th rowspan="2">ID#</th><th colspan="4">NMF</th><th colspan="4">DORF</th><th colspan="4">COMPOSITE</th></tr><tr><th>CLS</th><th>Need for Support</th><th>WWR</th><th>Need for Support</th><th>Words Correct</th><th>Need for Support</th><th>DORF Accuracy</th><th>Need for Support</th><th>Retell</th><th>Need for Support</th><th>Retell Quality</th><th>Score</th><th>Need for 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In the DIBELS benchmark example to the left, 18 students are “green” and have met benchmark criteria.

So 18 out of 23 students, or 78% of students, are “at or above benchmark” indicating that the likelihood of SLD for the referred student is **strong**.

In the DIBELS benchmark example to the left, 18 students are "green" and have met benchmark criteria.

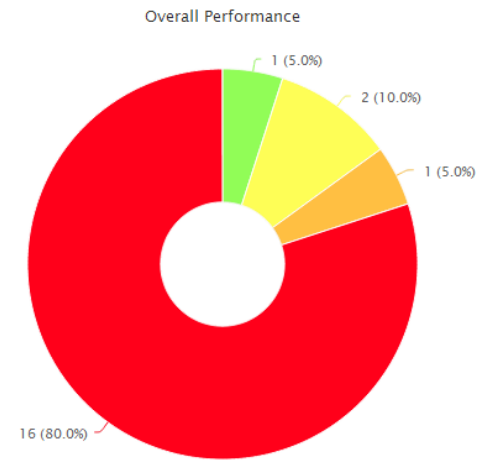
So 18 out of 23 students, or 78% of students, are "at or above benchmark" indicating that the likelihood of SLD for the referred student is **strong**.

If Math or LA Interims are used in Item 1: Refer to Assessments in Illuminate. Pick the most current Interim, filter the data to the classroom teacher. **Be careful to report the % Mastered and not the Average % Correct (average score for the class).**

#### SLCSD Interim 4 2014-2015 MA Grade 3

Created by Assessments, Department Of Shared  
 Scope: Interim  
 Grade Levels: 3  
 Subject Area: Mathematics  
 # Questions: 28

[Custom Reports](#) [Item bank](#) [Online Testing](#) [Shared](#) [Portal](#) [Amplify](#) [ALS](#)  
[Curriculum Associate](#) [Edusoft](#) [Versions](#) [Data Director](#)



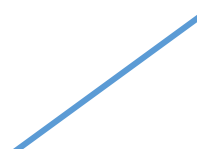


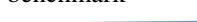
**Summary**

Avg. % Correct	Students	% Not Mastered
34.0%	20	95%

% Mastered  
**5%**



### 3. Progress Monitoring Data

Rationale	Progress Monitoring is a practice which helps teachers use student performance data to evaluate effectiveness of teaching and interventions.			
Data required	Progress Monitoring Data presented and documented in the <i>Initial Existing Data Review Documentation</i> form ("Buff Form") need to address the PRIMARY AREA OF CONCERN. Keep in mind the consistency of the data points, the overall trend, and the rate of growth.			
Examples	Rate of growth demonstrates adequate trend towards grade level benchmark    Trend line is steep. The probability of SLD is <b>low</b> .	Rate of growth demonstrates somewhat adequate trend towards grade level benchmark    Student is making some progress but it is taking longer than expected. Also, possible inconsistency of the data points. Probability of SLD is <b>mild</b> .	Rate of growth demonstrates inadequate trend towards grade level benchmark    Student rate of progress is slow. Probability of SLD is <b>moderate</b> .	Rate of growth shows minimal to no-growth toward grade level benchmark    Student is not responding to the intervention. Probability of SLD is <b>strong</b> .

<b>4. Intervention Tier Level to attain progress</b>	
Rationale	A multi-tiered approach is used to effectively differentiate instruction for all students. Students who receive intensive, research based, and targeted interventions may or not may not respond which has implications for the identification of a Specific Learning Disability.
Data required	Using the <i>Initial Existing Data Review Documentation</i> form (“Buff Form”), identify the most current targeted intervention addressing the PRIMARY AREA OF CONCERN. What Tier and for what amount of supplemental time has the student received intervention? Who provided the intervention?
Examples	<ul style="list-style-type: none"> <li>• Tier I (CORE instruction only) = If student only requires CORE instruction the probability of SLD is <b>low</b>.</li> <li>• Tier II (60 minutes weekly across multiple sessions) = If student required Tier II intervention, but received relatively intensive intervention, the probability of SLD is <b>mild</b>.</li> <li>• Tier III (90 minutes or more weekly across multiple sessions) = If student received intensive intervention in what would constitute Tier III and did not make adequate progress, the probability of a SLD is <b>strong</b>.</li> </ul>

<b>5. SAGE data or District End of Level Assessment</b>	
Rationale	Summative assessments such as SAGE are used to evaluate student learning at the end of an instructional year. Salt Lake City School District, these measures are used to evaluate student growth and compare against district wide standards.
Data required	Note the student's proficiency level on the most recent SAGE (grade 3 and up) or District End of Level assessment (K-2). This information should be available in the <i>Initial Existing Data Review Documentation</i> form (“Buff Form”).
Example	Student received a Proficient (3) score on his Language Arts SAGE. Language Arts was selected because the PRIMARY AREA OF CONCERN is Basic Reading. Being proficient in language arts suggests that the probability of SLD is <b>low</b> .

<b>6. Achievement Standardized Test Score</b>	
Rationale	Standardized Achievement tests allow us to compare a student's performance with same age peers in the areas of Reading, Math and Writing.
Data required	Review the Woodcock Johnson IV Tests of Achievement Score Report. Write down on the Problem Solving Eligibility Rubric the Standard Score that addresses the PRIMARY AREA OF CONCERN under the appropriate column.
Special Instructions	<p>The WJ-IV Achievement Cluster score must match the PRIMARY AREA OF CONCERN. For example:</p> <p>Use BASIC READING SKILLS cluster score= Basic reading concerns</p> <p>READING COMPREHENSION cluster score= Reading comprehension concerns</p> <p>MATH CALCULATION SKILLS cluster score= Basic math concerns</p> <p>MATH PROBLEM SOLVING cluster score =Math application or reasoning concerns</p>
Example	Teacher reported that student has difficulty with sight words and putting sounds together to make simple VC words. This means that the PRIMARY AREA OF CONCERN is in basic reading, therefore, you should use the BASIC READING cluster score from the WJ-IV Achievement.
Special Instructions	If PRIMARY AREA OF CONCERN is <i>only</i> in the area of Reading Fluency, contact your school psychologist or consultant.



**8. Pattern of Cognitive Strengths and Weaknesses**

Rationale	The federal definition of a Specific Learning Disability includes a disorder in “one or more of the basic psychological processes involved in understanding or in using language, spoken or written.” A process called Pattern of Strengths and Weaknesses (PSW) will be used to identify a student’s cognitive profile and how it relates to the Primary Area of Concern.
Data required	Pattern of Strengths and Weakness Matrix (will be provided to you) Cognitive and Achievement scores

Examples

PATTERN OF STRENGTHS AND WEAKNESSES (PSW) MATRIX

Cattell- Horn-Carroll (CHC) Classification of Cognitive Ability Tests

Academic Areas Impacted by CHC Factors

CHC Factor	Ge Language, Comp, Knowledge	Gf Fluid Reasoning	GlR Long-Term Retrieval	Gsm Short-Term Memory	Gv Visual Processing	Gs Processing Speed	Ga Auditory Processing/ Phonological Awareness
ACH Area	Basic Rdn Rdn Fluency Rdn Comp Math P Solving W Expression	Rdn Comp W Math Calc 73 Math P Solving W Expression	Basic Rdn Rdn Fluency Rdn Comp Math Calc	Basic Rdn Rdn Fluency Rdn Comp Math Cal Math P Solving W Expression	Math P Solving	Basic Rdn Rdn Fluency Math Calc W Expression	Basic Rdn
WJ-IV	COMP/ KNOWLEDGE	FLUID REASONING <i>(W) SS=76</i>	LONG-TERM RETRIEVAL	SHORT-TERM WORKING MEMORY	<i>(S)</i> VISUAL PROCESSING <i>SS=90</i>	COG PROCESSING SPEED	AUDITORY PROCESSING <i>SS=104</i>
WNV	--	Matrices	--	Recognition	Obj Assembly	Coding	--
	--	Pic Arrngmnt	--	Spatial Span	--	--	--
WISC-V	VERBAL COMPREHENSION	FLUID REASONING	--	WORKING MEMORY	VISUAL SPATIAL	PROCESSING SPEED	--

Name: Jane Jones PRIMARY AREA OF CONCERN: Basic math facts  
math calculation

Normative Strength= SS=90 or above, T-score=43 or above      Normative Weakness=SS=80 or below, T-score=37 or below  
(If no normative weaknesses are found, contact your school psychologist for identification of possible relative weaknesses.)

Identify 2 Cognitive Strengths: 1. Aud. Processing SS = 104 2. Visual-Spatial Thinking SS = 90

Identify 1 Cognitive Weakness: Fluid Reasoning SS = 76

Identify 1 Academic Weakness: Math Calculation Skills SS = 73

Is the Cognitive Weakness associated to the Academic Weakness? Yes ☒ No ☐ yes, it is!

Is your identified Academic Weakness the same as your PRIMARY AREA OF CONCERN? Yes If yes, mark Item 7 on SLD Eligibility Rubric  
If not, you may want to complete another SLD Eligibility Rubric based on the Academic Weakness you identified.

AH/2015

Special Instructions	Fill out the attached Worksheet titled “Pattern of Strengths and Weakness (PSW).” <ol style="list-style-type: none"> <li>Identify 2 Cognitive Strengths based on the cognitive measure</li> <li>Identify 1 Cognitive Weakness</li> <li>Look for a match between the Cognitive Weakness and the PRIMARY AREA OF ACADEMIC CONCERN.</li> </ol> <p>*Consult your school psychologist or consultant with questions/concerns.</p>
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**7. Relative Proficiency Index (RPI)**

Rationale	RPI describes a student’s mastery of age or grade-level academic material. RPI is a more sensitive measure of student academic progress than Standard Scores. For example, an RPI of 45/90 indicates that a student is 45% proficient with age-level reading tasks when compared to the expectation of 90% success or proficiency in the same domain.
Data required	Review the Woodcock Johnson IV Tests of Achievement Score Report. Find the RPI score. Mark on the Problem Solving Eligibility Rubric the RPI score that addresses the PRIMARY AREA OF CONCERN under the appropriate column.
Examples	Student RPI score for Basic Reading is 28/90. The Rubric indicates that such a score is suggestive of <b>moderate</b> probability of SLD.
Special Instructions	If PRIMARY AREA OF CONCERN is <i>only</i> in the area of Reading Fluency, contact your school psychologist or consultant.

<b>9. Discrepancy</b>													
Rationale	In a true Specific Learning Disability the student's academic performance is substantially or significantly below what would be expected given his obtained intellectual ability score.												
Data required	SLD Discrepancy Calculation Formula												
Examples	<p>Student Name: _____ Date: _____</p> <p>Ability Test: WJ IV GIA Achievement Test: WJ IV - Basic Reading Skills</p> <p>Achievement Area:</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Basic Reading Skill  <input type="checkbox"/> Reading Comprehension  <input type="checkbox"/> Math Calculation Skills  <input type="checkbox"/> Math Problem Solving         </div> <div> <input type="checkbox"/> Written Expression  <input type="checkbox"/> Oral Expression  <input type="checkbox"/> Listening Comprehension  <input type="checkbox"/> Reading Fluency         </div> </div> <table border="1" style="margin-top: 10px;"> <tr> <td>Estimated correlation between tests</td><td>0.68</td></tr> <tr> <td>Enter Achievement Score</td><td>73</td></tr> <tr> <td>Enter Ability score</td><td>85</td></tr> <tr> <td>Expected Achievement</td><td>90</td></tr> <tr> <td>Standard Error of the Estimate (SEe)</td><td>11.015</td></tr> <tr> <td>Difference Required at .05 level</td><td>15.34</td></tr> </table> <p><b>Achievement Test Cut Score</b> <span style="border: 1px solid black; padding: 2px 10px;">74</span>  <small>mean 100, SD 15, rounded to the nearest integer</small></p> <p><b>Significant Discrepancy</b> <span style="border: 1px solid black; border-radius: 50%; padding: 5px 15px; display: inline-block;">YES</span></p> <p><small>State and federal special education rules and regulations require eligibility teams, which include parents, to consider a comprehensive evaluation before determining eligibility for special education and related services. Determining if the difference between a student's intelligence and achievement scores represents a severe discrepancy is one component of a comprehensive evaluation often considered when deciding if a student has a specific learning disability.</small></p>	Estimated correlation between tests	0.68	Enter Achievement Score	73	Enter Ability score	85	Expected Achievement	90	Standard Error of the Estimate (SEe)	11.015	Difference Required at .05 level	15.34
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Difference Required at .05 level	15.34												
Special Instructions	Using SLD Discrepancy Calculation Excel file, enter Achievement score in the PRIMARY AREA OF CONCERN and the student's Intellectual Ability score. The program will determine if the difference between Achievement and Ability constitutes a significant discrepancy.												

# **Referral, Evaluation and Eligibility of English Language Learners**

## I. Child Find Procedures for English Language Learners

A. A student is considered an English Language Learner (ELL) if during the registration process a parent or guardian indicates that another language other than English is spoken in the home. The student is automatically added to the PHLOTE (Primary Home Language Other Than English) list and begins the process of having the English language fluency measured by the WIDA test and, if eligible, receives English Language Development Services.

B. If school personnel or parent suspects that an ELL student may have a disability, the student's should be presented to the Student Services Committee (SSC), just as other students suspected of having a disability as outlined in the Initial Evaluations section of these procedures. However, due to the complexity and nuance of determining how language acquisition and possible disability interact in the planning of interventions, evaluation and eligibility determination, the following additional steps must also be taken.

1. The amount of time that a student has participated in ELD services must be considered in determining possible interventions. Please refer to procedures referring to appropriate data to consider if a student has been in the country for less than a year on page of this manual.
2. The ALS coordinator or the student's ELD teacher must be a member of the student services team when an ELL student is being presented. Their attendance should be documented in the SSC minutes. A school psychologist must be involved in every ELL referral for possible SPED eligibility.
3. Information and data regarding the student's progress in English Language acquisition must also be presented, documented and considered as the committee determines appropriate interventions in the area of concern indicated by the teacher.
4. The parent interview may be used at any time during the pre-referral or referral process. An interpreter should be used when appropriate necessary to allow for full understanding of a student's level of functional and development in their first language. Specific questions on the interview allow for school teams to have a deeper understanding of the impact of language and culture on a student. The information gathered during the interview will also provide to data to support evidence of a possible disability in the native language.
5. Schools shall use research based interventions to target the area of concern for the ELL student. Language acquisition must be considered when planning and implementing interventions. Interventions that are heavily language based and could possibly yield data that describes a student's language acquisition and not a possible disability are inappropriate and should not be considered.
5. The SSC is responsible for determining and documenting when interventions have not been successful and the student's difficulties in the area of concern are not due to issues related to English language acquisition. The LEA, ALS coordinator/ELD teacher and school psychologist must participate in the decision and confirm that all documentation, progress monitoring, the ALS Summary form, parent interview, and At Risk Documentation form are completed with proper signatures.

## II. Evaluation procedures for ELL students

A. Procedures in section      should be followed to obtain written consent for evaluation. The purpose for the evaluation and possible outcomes must be presented to parent(s) and or guardian(s) in an understandable language through translated documents or by an interpreter.

B. When a student is referred for an evaluation to determine eligibility for special education services, the following steps will be followed:

1. WIDA: If student is an ELL, the WIDA is administered and oral language, literacy, comprehension, and overall scale scores are reported in the ALS form
2. ALS FORM: If the overall WIDA score is 4 or below, the form will indicate that referred student will undergo standardized language proficiency testing in his native to the extent it is feasible to do so.
3. Spanish-Speaking ELLs
  1. The Woodcock-Munoz Language Proficiency Testing –Revised will be administered and scores will be obtained for oral language, reading, and writing in both English and Spanish.
    - i. If student is fluent in English (Broad English Ability CALP score of 4 or higher), the IEP team may recommend to conduct cognitive and achievement evaluation in English only.
    - ii. If student is fluent in Spanish (Broad Spanish Ability score of 4 or higher), the IEP team may recommend conducting cognitive and achievement evaluation in Spanish using standardized measures such as the Bateria III Pruebas de Habilidades Cognitivas and Pruebas de Aprovechamiento
    - iii. Dual immersion, consideration must be given for students who may be participating in dual immersion programs and receiving instruction in two languages.
    - iv. If student' Munoz score does not measure as fluent in either English or Spanish, the IEP team may recommend conducting a nonverbal assessment of cognitive abilities. Achievement testing will be conducted in English using standardized measures such as the WJ-IV Tests of Achievement if student has consistently been educated in English; **however, results obtained will need to be interpreted cautiously and in conjunction with other data including but not limited to:**
      1. **Response to intervention**
      2. **Educational history**
      3. **Benchmark data**
      4. **Interim scores**
      5. **Parent interview**
4. ELL students that speak languages other than Spanish: If a student does not receive a score of 4 on the WIDA and does not speak Spanish, one of two courses of action will be used to ascertain their level of fluency in their first language.

1. The Bilingual Verbal Ability Test (BVAT) is available in 17 languages plus English. It measures the language fluency in those 17 languages.
  2. Use of interpreters for a structured interview and the Qualitative Examination of Language Proficiency Form to determine fluency levels for ELL students in their first language.
  3. If a student is determined to be fluent in English, they will be evaluated in English in accordance with the criteria set forth in 3.a.i.
  4. If a student is determined to be fluent in their first language and testing in that language is feasible, they will be evaluated in that language in accordance with the criteria set forth in 3.a.ii.
  5. If a student is determined to not be fluent in either their first language or in English or it is not feasible for the district to test them in their first language, the IEP team may recommend conducting a nonverbal assessment of cognitive abilities. Achievement testing will be conducted in English using standardized measures such as the WJ-IV Tests of Achievement if the student has consistently been educated in English. The results will need to be interpreted with the same cautions as outlined in 3.a.iv.
5. C. Qualifications of staff to administer tests.
1. All standardized testing will be administered according to the guidelines put forth and approved by the psychometrics who have published the test to protect reliability and validity of results.
  2. All staff testing students using standardized measures will be trained and supervised by a school psychologist.
  3. Bilingual testers will be used whenever feasible and must also meet the requirements set forth by the test publishers.
  4. All staff involved with testing ELL students will be required to participate yearly in training regarding sensitivity to language and culture to allow for the best possible results from ELL students.

### III. Eligibility procedures for ELL students

- A. After testing has been concluded, the IEP team shall meet and determine whether or not the student is eligible for services, and in what category, as outlined in the USBE SER and IDEA.
- B. The IEP team should include all of the members as outlined in section of this manual. The ELD teacher/ ALS coordinator who has knowledge of the student's language and culture and its impact on the evaluation should also be part of the IEP team. A school psychologist will also be present to discuss the validity and reliability determinations on the report. If the team is aware of additional persons who may be able to speak to the impact of the student's language and culture can be invited to participate in the meeting.
- C. The team will summarize all evaluation information on the Team Evaluation Summary Report and Written Prior Notice of Eligibility Determination form. The form used in the pre-referral process also becomes part of the information used to determine eligibility. In the evaluation summary, the following will be reported.
  1. The linguistic and cultural background of the student and an analysis of the impact on the student's learning including, the

student's WIDA score, ELD progress, the parent interview and language fluency in their first language and English.

2. How the above impacted the evaluation plan for the student and what measures were used and why and whether or not anything in the evaluation was altered to the extent that validity of results could be impacted.
3. Any statements regarding the caution that should be used in the interpretation of results.
4. Other forms of data that support the interpretation of the result of the evaluation including curriculum based measures, RTI data, behavioral and academic observations,

### III. IEP development for ELL students

A. IEP development for ELL students should follow the same guidelines as outlined in the USBE SER in section ( )

B. In addition to those guidelines, the following should also be in place.

1. The ALS coordinator/ELD teacher will be part of the IEP team.
2. In the Special Factors section of the IEP, the team should check the box indicating that the student has "special language needs because he/she is a Limited English Proficient student" and the box that those needs will be addressed in the IEP. This documents that the team is aware and has considered the student's language needs in the development of the IEP.
3. In the PLAAFP statement, the teacher will indicate that the student is an ELL student, list their WIDA score and state where the student will receive the ELD services, either within the special education setting or in the general education ELD setting. Every effort will be made for students to access the general education ELD services, however, individual IEP teams will determine where the student would best access those services based on the documented nature of the student's disability. All ELL students with disabilities will receive both ELD services and all special education and related aids and services they are eligible for. Student with disabilities' ELD services will be provided by a properly credentialed ESL endorsed teacher regardless of where they are given.
4. A student's Language and culture must be considered when developing IEP goals and services to address a student's disability.

### IV. Placement for ELL students

- A. SLCSO, OC, and SLCSE follows all guidelines for student placement as outlined in the USBE SER section
- B. In addition to the guidelines in the USBE SER the following must be considered when IEP teams are making placement decisions regarding ELL students.
  1. All placement decisions will be made based on a variety of data, including the level of direct and related services

required to meet the needs of the student, existing records, results of pre referral interventions, progress monitoring of current interventions and services, curriculum based measures, formal and informal measures, observations, and work samples.

2. IEP teams will ensure that the analysis of the data collected to determine placement considers the impact of the student language proficiency and culture on the data being considered.