

Folsom Cordova Unified School District SELPA

Special Education Procedure Manual



Contents

DISTRICT OVERVIEW	12
CHAPTER 1 - IDENTIFICATION, REFERRAL AND ASSESSMENT	14
1.1 Purpose and Scope	14
1.2 Identification.....	14
1.2. B Student Study Team (SST)	15
1.3 Referral Process	15
1.3. B Referral Procedure	15
1.3. C Inappropriate Referrals	16
1.4 Parental Consent	16
1.4.A Request for Initial Evaluation.....	17
1.4. B Parental Consent for Initial Evaluation	17
1.5 Assessment Process	18
1.5. A Initial Assessments	18
1.5. B Assessment Plan.....	19
1.5. C Assessment Requirements	20
1.5. D Assessment of African American Children under Larry P Decision	22
1.5. E Assessment Report	22
1.6 Reassessments	23
1.6. A Three Year Reassessments	23
CHAPTER 2 - EARLY CHILDHOOD EDUCATION.....	25
2.1 Eligibility.....	25
2.2 Transition Requirements for Early Intervention.....	25
2.3 Preschool Children (Age Three to Five) with Disabilities	26
2.3.A Identification and Referral	26
2.3.B Evaluation and Assessment	26
2.3.C Eligibility	27
2.3.D Individualized Education Program.....	28
2.3.E Services for Preschool Children with Disabilities	28
2.3.F Instructional Adult-to-Child Ratio	30
2.3.G Transition from Preschool to Kindergarten.....	30
CHAPTER 3 – IDENTIFICATION AND ASSESSMENT OF ENGLISH LANGUAGE LEARNERS.....	31
3.1 Purpose and Scope	31

3.2 Identification and Referral of English Learners (EI) Suspected of Having a Disability	31
3.3 Special Considerations for EL Students Prior to Referral	31
3.4 Student Study Team (SST).....	32
3.4.A SST Team Members	32
3.4.B Student Study Team Responsibilities.....	33
3.5 Assessment Procedures for English Learners	33
3.5.A Psycho-Educational Assessments	34
3.5.B Other Procedures for Gathering Information	35
3.5.C Additional Assessment Guidelines	35
3.6 Program Options.....	36
3.6. A Specific Program Options for English Learners	37
3.7 IEP Development for English Learners with Disabilities	38
3.7.A Linguistically Appropriate Goals, Objectives, and Programs	38
3.7.B IEP Considerations for English Learners.....	39
3.7.C Additional Linguistic and Cultural Considerations	39
3.7.D IEP Accommodations & Modifications.....	39
3.7.E IEP Checklist for English Learners	40
Obtaining a District approved qualified interpreter	42
Criteria for Selecting Interpreters	42
Effective Use of an Interpreter in Assessments	43
CHAPTER 4 - PARENTAL RIGHTS AND PROCEDURAL SAFEGUARDS.....	45
4.1 Purpose and Scope	45
The Notice of Procedural Safeguards.....	45
4.2 Overview.....	45
4.3 Transfer of Parental Rights at Age of Majority	46
4.4 Parent Revocation of Consent.....	46
4.5 Parent Access and School Visits	47
CHAPTER 5 - PUPIL RECORDS.....	48
5.1 Purpose and Scope	48
5.2 Parent Right to Access Pupil Records	48
5.3 Notice to Parents	48
5.4 Safeguards	49
5.5 Consent to Release Student Records.....	49

5.6 Log of Requests for Information.....	50
5.7 Amendment of Records	50
5.8 Retention and Destruction of Pupil Records	51
5.8.A Mandatory Permanent Records Include:	51
5.8.B Mandatory Interim Records	52
5.8.C Permitted Records include:	53
5.8.D Destruction Procedures.....	53
Destruction of Permitted Records	53
Destruction of Mandatory Interim Records.....	53
5.9 Confidentiality of Pupil Records Containing I.Q. Information	53
I.Q. Test Protocols	54
CHAPTER 6 - SPECIAL EDUCATION ELIGIBILITY CRITERIA AND IEP PLANNING	
GUIDELINES	55
6.1 Purpose and Scope	55
6.2 Prior to Referral for Special Education.....	55
6.3 Referral.....	56
6.4 Assessment	56
6.5 Eligibility Criteria	57
6.5. A Three Primary Factors Must Be Considered	57
6.5. B Special Rule for Eligibility Determination	57
6.5.C Evaluations Before Change in Eligibility	58
6.6 Severe Disabilities and Non-Severe Disabilities	58
6.7 Eligibility Categories	58
6.7.A Autism (AUT):	58
6.7.B Deaf/Blindness (DB):	59
6.7.C Deafness (D):	60
6.7.D Hearing Impairment (HI):	61
6.7.E Intellectual Disability (ID) A severely or non-severely disabling condition.....	61
6.7.F Multiple Disabilities (MH): A severely disabling condition.	62
6.7.G Orthopedic Impairment (OI):.....	63
6.7.H Other Health Impairment (OHI):	64

6.7.I Emotional Disturbance (ED):.....	65
6.7.J Specific Learning Disability (SLD):	66
6.7.K Speech or Language Impairment: (SLI):.....	71
6.7.K.1 Articulation.....	72
6.7.K.2 Abnormal Voice	73
6.7.K.3 Fluency Disorder	73
6.7.K.4 Language Disorder	74
6.7.L Traumatic Brain Injury (TBI):	75
6.7.M Visual Impairment Including Blindness (VI):.....	76
CHAPTER 7 - INDIVIDUALIZED EDUCATION PROGRAM	77
7.1 Purpose and Scope	77
7.2 Individualized Education Program Requirements	77
7.2.A Development of IEP.....	77
7.2.B IEP Content	78
7.3 IEP Team Members	80
7.3.A IEP Team Member Excusal	81
7.3.B If Parents Cannot Attend IEP Meeting.....	82
7.4 Least Restrictive Environment	82
7.5 Special Education and Related Services and Descriptors	84
7.5.A Specialized Academic Instruction/ Non-intensive Services	84
Description.....	84
Staffing	85
7.5.C Nonpublic, Nonsectarian School Services	85
7.5.D State Special Schools	86
7.5.E Residential Schools.....	86
7.5.F Home and Hospital Instruction.....	86
7.6 Related Services.....	86
7.6.A Speech and Language Services.....	87
7.6.B Audiological Services	87
7.6.C Orientation and Mobility Instruction	87

7.6.D Instruction in the Home and Hospital	88
7.6.E Adapted Physical Education (APE)	88
7.6.F Occupational Therapy and Physical Therapy	89
7.6.G Vision Services	89
7.6.H Psychological Services	89
7.6.I Parent Counseling and Training	90
7.6.J Health and Nursing Services.....	90
7.6.K Specially Designed Vocational Education and Career Development	90
7.6.L Recreation Services.....	90
7.6.M Specialized Services for Low Incidence Disabilities.....	91
7.6.N Services for Students with Chronic Illnesses or Acute Health Problems	91
7.6.O Services for Deaf and Hard of Hearing Students	92
7.7 Review and Revision of the IEP	92
7.7.A Making Changes and Amendments to the IEP.....	93
7.7.B IEP Team Meetings Required	93
7.7.C Consolidation of IEP Meetings	93
7.8 IEP Meeting Process	93
7.8.A Present Levels of Academic and Functional Performance	94
7.8.B Individual Transition Plan and Transition Services	94
7.8.C Consideration of Special Factors	94
7.8.E Discussion of Options Considered	95
7.8.F Supplementary Aids and Services.....	96
7.8.G Determination of Special Education and Related Services	96
7.8.H Extended School Year (ESY)	96
7.9 Individualized Education Program: Transitions	97
7.9.A Transition from Preschool to Elementary School.....	97
7.9.B Transition from Specialized Structured Environment or Learning Center or from Non-Public, Nonsectarian School to the General Education Classroom in the Public School	98
7.9.C Secondary Transition	98
7.10 Educational Benefit.....	98
7.10.A Components of Educational Benefit Analysis	98
7.10.B Definition of FAPE	99
7.11 Interim Placements	99

7.11.A Transfers to District from Within the State	99
7.11.B Transfers from Outside of State to Folsom Cordova Unified School District	99
CHAPTER 8 - SECONDARY TRANSITION.....	101
8.1 Purpose and Scope	101
8.2 Transition Services to be Addressed on the IEP to Be in Effect at Age 16 and Each IEP Thereafter	101
8.3 Timeline for Developing Individual Transition Plan	102
8.4 Areas to be Addressed	102
8.4.A Instruction	102
8.4.B Related Services	102
8.4.C Community Experiences.....	102
8.4.D Employment	103
8.4.E Daily Living Skills and Functional Evaluation	103
8.5 Other Agency Involvement.....	103
8.6 IEP Team Participants for Secondary Transition	103
8.8 Summary of Academic Achievement and Functional Performance	105
8.9 Transfer of Rights at Age of Majority.....	105
8.10 Post-Secondary Follow Up.....	106
8.11 Students Between Nineteen and Twenty-Two Years.....	106
CHAPTER 8 APPENDIX A.....	107
Legal Requirements and Best Practices Q & A	107
CHAPTER 9 - SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES.....	114
9.1 Suspension	114
9.1.A Definition	114
9.1.B Duration.....	114
9.1.C Procedures Based on Cumulative Days of Suspension/change in Placement.....	114
9.1.D Manifestation Determination.....	115
9.1.E Manifestation Determination Process.....	115
9.1.F Determination that the behavior was a Manifestation/Functional Behavioral.....	116
Assessment:	116
9.1.G Due Process	116

Case by case determination.....	116
Procedural protections regarding a “Change in Placement”	116
Placement during appeals.....	116
Previously Unidentified Students	117
A public agency is not deemed to have knowledge when:.....	117
Suspension from School Bus Transportation.....	118
When Such Misconduct Occurs, the Principal Should:	118
9.2 Suspension of Students With Disabilities Under the IDEA.....	119
When suspensions exceed 10 cumulative days in a school year:.....	119
9.3 Expulsion of Students With Disabilities Under IDEA.....	119
9.3.A Definition.....	120
9.3.B Procedural Safeguards/IDEA 2007	120
9.3.C Previously Unidentified Students	120
9.3.D Knowledge Arises When:	120
9.3.E A public agency is not deemed to have knowledge when:.....	121
9.2.F Procedures to Follow for Manifestation and Functional Behavioral Assessments and IEP meeting	121
9.3.G Manifestation Determination and Functional Behavioral Assessment.....	121
9.3.H Scheduling the IEP	122
9.3.I Psychologist Manifestation Determination Report.....	122
9.3.J Manifestation Determination IEP Team Meeting	122
9.3.K Determination that the Behavior was a Manifestation:.....	123
9.3.L Special Circumstances – Interim Alternative Setting.....	123
9.3.M Placement During the Expulsion Process	124
9.3.N Expulsion Process following Manifestation Determination IEP and/or.....	124
Administrative Hearing Panel.....	124
9.3.O Placement During Period of Expulsion	125
9.3.P Re-admission Following Period of Expulsion	125

9.3 45-Day Interim Alternative Education Setting for Weapon/Drug/Serious Bodily Injury Violations	126
9.4 Additional Forms to Be Used for the Manifestation Determination Meetings:	126
CHAPTER 10 – EDUCATIONAL REPRESENTATIVES FOR FOSTER YOUTH SURROGATE PARENT PROCEDURES	127
10.1 Basic Criteria for Appointing A Surrogate Parent or Educational Representatives for Foster Youth	127
10.2 Recruitment of Volunteers	127
10.3 Screening of Applicants	127
10.4 Appointment of Surrogate Parent (Educational) Representative for Foster Youth)	128
10.5 Training.....	128
Special Education and Related Services	128
Training Sessions	129
10.6 Access to the Student.....	129
10.7 Access to Student Records	129
10.8 Use of Interim Surrogate Parents	129
10.9 Evaluation of Surrogate Parents.....	130
10.10 Termination of Surrogate Parent Appointment.....	130
CHAPTER 11 – LOW INCIDENCE PURCHASING.....	132
11.1 Summary of Legal Requirements	132
11.2 Responsibility.....	132
11.3 Eligibility.....	133
11.4 Low Incidence Guidelines	133
11.4.A Low Incidence Funding (LIF) Parameters.....	133
11.4.B Procedures	133
Complete the “Low Incidence Request” Forms:	134
11.4.C Cautions:	134
11.4.D Low Incidence Committee Approval Process	135
11.4.E Student Movement	135
11.4.F Equipment	136
11.4.G Management Information Documentation	136
11.4.H Definition of Low Incidence Disabilities	136
11.5 Committee Guidelines	137

California Rules and Regulations Related to Low Incidence Handicaps.....	138
CHAPTER 11 - Appendix A.....	156
California Department of Education Response to Frequently Asked Questions	156
CHAPTER 12 POSITIVE BEHAVIORAL SUPPORT AND INTERVENTION PLANS.....	160
12.1 When Is a Behavioral Addendum/Goal or Classroom Behavior Management Plan Written?	160
12.2 What Is a Behavioral Support Plan (BSP)?	160
12.3 When Should a Behavior Support Plan Be Developed?	160
12.4 What Should the Team Do if the BSP is Not Producing Desired Results?	161
12.5 What Is A Functional Analysis Assessment And A Behavior Intervention Plan?	162
A Functional Analysis Assessment shall include the following:.....	162
The Behavior Intervention Plans must include the following:	163
12.6 Developing Positive Behavior Intervention and Support Plans	163
Identify the specific behavior(s) that need to be targeted.....	163
12.7 Emergency Situations and Interventions	165
12.8 Emergency Guidelines.....	166
12.9 Behavior Strategies	166
Giving Directions.....	166
Classroom Procedures – Structure is #1	167
Impulsivity and Distractibility	167
Steps for Prevention	167
Preventing Behavior Problems.....	167
Examples of Positive Reinforcement in the Classroom.....	168
Classroom Incentives.....	168
Tips for Helping Distractible Students	169
Maintaining Attention and Students’ Involvement	169
12.11 Behavior Procedure Chart	172
12.12 Classroom Behavioral Charting Summary.....	175
12.13 Classroom Behavior Management Plan	176
12.14 Behavior Support Plan.....	177
12.15 Behavior Support Plan.....	178

DISTRICT OVERVIEW

In the 2012-2013 school year, the Folsom Cordova Unified School District (FCUSD) serves approximately 18,900 students. The District consists of nineteen elementary schools, four middle schools, three comprehensive high schools, three alternative high schools, one community day school, and one community charter school. The District's boundaries include the cities of Folsom and Rancho Cordova, California, both of which adjoin Highway 50, northeast of downtown Sacramento.

Folsom's population is approximately 72,203, similar in size to Rancho Cordova's population of approximately 65,502. Both communities share characteristics of small towns with active parent groups, service organizations, and city councils. Business partnerships include national corporations and retailers Intel, GenCorp/Aerojet, Kaiser Permanente, Costco, and Sam's Club, as well as numerous local and regional businesses.

FCUSD employs more than 1,800 employees, many with significant longevity in the District. The District's 875 classified employees support 925 certificated teachers, counselors, nurses, school psychologists, and administrators. Highly-qualified and committed teachers are the key to FCUSD's academic success. The District is proud to be home to the highest number of National Board Certified teachers in the region and benefits from a strong and experienced Board of Trustees.

During the last few years of student assessment, the district-wide Academic Performance Index (API) grew 63 points to 825, exceeding the state's target of 800 for "high performing" districts and schools. Six FCUSD schools have now scored over 900 points, and 80% of the District's comprehensive schools achieved or exceeded their 2010-11 API targets. The majority of FCUSD schools have also met the progressive federal standards for Adequate Yearly Progress (AYP).

FCUSD has a rich tradition of staff development. The emphasis on continual improvement and coaching encourages employees to learn new and effective strategies necessary to address the diverse needs of all students. The District's ethnic/racial makeup is: 0.71% American Indian or Alaskan Native, 17.44% Hispanic, 7.32% Black, 57.43% White, 11.73% Asian, 0.74 Pacific Islander, 2.4% Filipino, and 2.23% other. 4.64% of the students indicated two or more races.

MISSION STATEMENT

Folsom Cordova Unified School District is committed to providing excellence in educational programs that carry high expectations for each student's achievement and success.

VISION STATEMENT

Guided by the highest expectations, Folsom Cordova Unified School District provides our students with a broad range of rigorous educational opportunities. Staff enables students to reach their full potential and successfully meet the demands and opportunities of a highly technological 21st century.

Students graduate with a core of knowledge and skills that become the building blocks for lifelong learning. They graduate with a positive attitude and the leadership, character, and academic skills necessary to excel in a global arena.

Families are an integral part of the educational process. In recognition of this important role, family involvement is actively sought, encouraged, and welcomed.

Business and community partnerships greatly enhance students' learning experiences and educational opportunities. Partnerships offer students opportunities to apply their learning to real-world situations.

Schools serve as community hubs, places where the community gathers to celebrate and improve learning and to enjoy art, music, sports, public speaking, drama, and other school-related activities. The use of school facilities by the community is encouraged.

Schools are a reflection of the entire community. We provide students with the educational tools to meet the demands of the future and the social skills to function in a culturally diverse society.

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CHAPTER 1 - IDENTIFICATION, REFERRAL AND ASSESSMENT

1.1 Purpose and Scope

All individuals with suspected disabilities from birth through age 21 will be identified and referred to the appropriate agency to be assessed. Each individual will receive a full and individual evaluation to identify the disability, determine eligibility and identify educational needs.

The assessment information will provide the basis for an Individualized Education Program (IEP ages 3-21 years) or Individualized Family Service Plan (IFSP ages birth-3 years) to ensure the individual receives a free appropriate public education (FAPE).

1.2 Identification

1.2. A Child Find

The Special Education Local Planning Area (SELPA) and individual LEAs will actively and systematically seek out all individuals with disabilities including children with disabilities who are homeless children or are wards of the State and children with disabilities attending private schools.

Child Find activities may include but not be limited to:

1. A comprehensive screening program, including health, vision, hearing, speech and language;
2. Distribution of written information, including brochures and pamphlets describing the referral procedure;
3. Public awareness campaign, including public service announcements;
4. Annual notices to local newspapers;
5. Consultation with representatives of private schools, including religious schools on how to carry out activities to identify children with suspected disabilities;
6. Coordination with preschools, Head Start and other childcare facilities;
7. Communication with hospitals, pediatricians, obstetricians and other health professionals;
8. Coordination with community based parent resource centers and support groups;
9. Presentations to local professional groups and organizations established to inform and/or to serve culturally diverse populations;
10. Coordination with activities of the SELPA Community Advisory Committee (CAC); and,

11. Coordination with school site procedures, including referrals from the school site student intervention teams (e.g. Student Study Teams, etc.)

(EC 56300, 56301, 52040; CFR 300.451)

1.2. B Student Study Team (SST)

The Student Study Team (SST) is a regular education function. It is a process of reviewing individual student issues pertaining to educational performance and planning instructional interventions to be implemented in the regular education classroom.

Although specialists, such as school psychologists, speech/language pathologists, and Specialized Academic Instruction (SAI) teachers may be involved in the SST process, the SST is not a special education function and as such is not subject to the associated restrictions and timelines.

A special education referral may be appropriate after interventions have been implemented. As a regular education function, the team may also help with mainstreaming strategies for those students who are already receiving special education and related services.

A student suspected of having a disability under the provisions of Section 504 of the Rehabilitation Act of 1973, will be assessed by a process defined through local board policies and procedures.

1.3 Referral Process

1.3. A Source of Referrals

Referrals for assessment to determine eligibility for special education and related services may come from teachers, parents, agencies, appropriate professional persons, and from other members of the public.

The referrals will be coordinated with school site procedures for referral of students with special needs that cannot be met with accommodations and modifications of the regular instructional program, including referrals from student intervention teams, such as the Student Study Team.

A child shall be referred for special education and related services only after the resources of the regular education program have been considered and, where appropriate, utilized. (EC 56303)

1.3. B Referral Procedure

1. Referrals for assessments to determine eligibility for special education and related services will be made to the school site principal or designee at the child's school of residence.
2. Referrals may be processed through the school site Student Study Team or other student intervention team, if convened within 15 days of the written referral, to review the request and document interventions tried prior to referral.
3. All requests for assessments will be submitted in writing. If a parent makes the request verbally, the principal or designee will assist the parent in making the request in writing.
4. If the referral is not coming from the parent, the school site administrator or designee will review the referral. If the information is incomplete the referral source will be contacted to request additional information. If the information is complete, the school site administrator or designee will initiate the assessment process, including notification of parent. An assessment plan will be developed.
5. No assessment will be conducted without informed written parent consent.

1.3. C Inappropriate Referrals

If, after reviewing all relevant information, the administrator and assessment planning team, consider the referral inappropriate, the parents must receive a prior written notice which includes the following:

1. A description of the action refused by the district;
2. An explanation why the district refuses to take the action;
3. A description of any other options that the district considered and the reasons why those options were rejected;
4. A description of each procedure the district used as a basis for the refused action;
5. A description of any other factors that is relevant to the district's refusal.(CFR 3001.503)

NOTE: Refer to Forms for Prior Written Notice Form.

1.4 Parental Consent

The LEA shall conduct an initial evaluation in every area of suspected disability before the initial provision of special education and related services to a child with a disability.

1.4.A Request for Initial Evaluation

Either a parent of a child or LEA may initiate a request for an initial evaluation to determine if the child is a child with a disability.

1. The initial evaluation shall assess the child in all areas of suspected disability to determine whether the child is a child with a disability. The assessment and IEP team meeting must be held within 60 calendar days of receiving parental consent for the evaluation.
2. Exception: The relevant timeframe shall not apply to a LEA if:
 - a. A child enrolls in a school served by the LEA after the relevant timeframe has begun and prior to a determination by the child's previous LEA as to whether the child is a child with a disability but only if the subsequent LEA is making sufficient progress to ensure prompt completion of the evaluation, and the parent and the subsequent LEA agree to a specific time when the evaluation will be completed; or
 - b. The parent of a child repeatedly fails or refuses to produce the child for the evaluation.

1.4. B Parental Consent for Initial Evaluation

1. The LEA proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability must, after providing Notice of Procedural Safeguards, obtain informed consent from the parent of a child before conducting the evaluation. Parental consent for evaluation must not be construed as consent for initial provision of special education and related services. The public agency must make reasonable efforts to obtain the informal consent from the parent for an initial evaluation to determine whether that child is a child with a disability.
2. Consent for Services: The LEA is responsible for making a free appropriate public education (FAPE) available to a child with a disability and must obtain informed consent from the parent of a child before the initial provision special education and related services to the child.
3. Absence of Consent for Initial Evaluation: If the parent of a child does not provide consent for an initial evaluation or the parent fails to respond to a request to provide the consent; the LEA may pursue the initial evaluation through due process.
4. Absence of Consent for Initial Services: If the parent of a child fails to respond to a request for or refuses to consent to the initial provision of services, the LEA shall **not** provide special education and related services to the child by using due process.

5. Effect on LEA Obligation: If the parent of a child refuses to consent to the receipt of special education and related services, or the parent fails to respond to a request to provide such consent:
 - a. The LEA shall not be considered to be in violation of the requirement to make a free appropriate public education to the child for the failure to provide such child with the special education and related services for which the parent refuses or fails to provide such consent; and
 - b. The LEA shall not be required to convene an IEP team meeting or develop an IEP for the special education and related services for the child.
6. If the child is a ward of the State and not residing with the child's parent, the LEA shall make reasonable efforts to obtain such consent from the parent of the child for the initial evaluation to determine whether the child is a child with a disability. (30 EC 56346)

1.5 Assessment Process

1.5. A Initial Assessments

A comprehensive and individual assessment shall be conducted for each child being considered for special education and related services to determine if the child meets eligibility criteria as a child with a disability and to determine the educational needs of the child.

Once a student has been referred for initial assessment, the student will be assessed in all areas of suspected disability. An individualized education program (IEP) meeting shall occur, within 60 calendar days of receiving written parental consent for the assessment, not counting days between the student's regular school sessions, terms or days of school vacation in excess of five school days.

However, an IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year as determined by each LEA's school calendar. In the case of school vacations, the 60-day time-line shall recommence on the date that student schooldays reconvene. A meeting to develop an IEP for a student shall be conducted within **30 days** of a determination that the student needs special education and related services. (Section 300.323(c) (1) of Title 34 of the Code of Federal Regulations)

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

1. The student enrolls in a school served by the LEA after the relevant time period has commenced but prior to determination by his or her previous LEA of whether the student has a disability. This exemption applies only if the subsequent LEA is making sufficient progress to ensure a prompt completion of the assessment, and the parent

and subsequent LEA agree to a specific date by which the assessment shall be completed.

2. The parent of a child repeatedly fails or refuses to produce the child for assessment.
3. The results of the assessment will be used by the child's IEP team to develop an appropriate Individualized Education Program (IEP).

1.5. B Assessment Plan

After a review of the referral, pupil records and/or other immediately available material, the assessment team will meet to develop a proposed assessment plan.

A ***proposed assessment plan*** shall be developed within 15 calendar days of referral for assessment, not counting calendar days between the student's regular school sessions or terms or calendar days of school vacation in excess of five school days from the receipt of the referral, unless the parent or guardian agrees, in writing, to an extension.

In any event, the assessment plan shall be developed within 10 days after the commencement of the subsequent regular school year when the referral has been made 20 days or less prior to the end of the regular school year. In the case of student's school vacations, the 15-day time shall recommence on the date that the regular school days reconvene.

The ***proposed assessment plan*** given to the parents or guardians shall meet all the following requirements:

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

The LEA shall not be required to obtain informed consent from the parent of a child for an initial assessment to determine whether the child is an individual with exceptional needs under any of the following circumstances:

1. Despite reasonable efforts to do so, the LEA cannot discover the whereabouts of the parent of the child.
2. The rights of the parent have been terminated in accordance with state law.

3. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for initial assessment has been given by an individual appointed by the judge to represent the child.

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

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

As part of the assessment plan the parents will be provided with a written notice that upon completion of the administration of tests and other assessment material, an Individualized Education Program (IEP) team meeting will be held. The IEP team will discuss the assessment results, review any additional information, discuss the educational recommendations, and the reasons for these recommendations. Parents will receive a copy of the assessment report and the documentation of determination of eligibility.

Included with the assessment plan will be a copy of Parents' Rights and Procedural Safeguards. The parents will be informed that they have a right to obtain, at public expense, an independent educational assessment of the pupil from qualified specialists, if the parent disagrees with an assessment obtained by the district.

No assessment will be conducted unless the written consent of the parent is obtained prior to the assessment. The parent shall have at least 15 days from the receipt of the proposed assessment plan to arrive at a decision. Assessment may begin immediately upon receipt of the consent. The assessments will be completed and an IEP meeting scheduled within 60 calendar days from the date of the receipt of the parent's consent for assessment.

Parent consent for assessment shall not be construed as consent for placement or for receipt of special education and related services.

Personal contact with the parents to explain the process and forms is strongly recommended.

If a parent refuses to sign permission for an assessment, the school district may file for mediation/due process hearing. If the district prevails in a due process hearing, the assessment can be conducted without parent consent. (EC 56321, 5 CCR 3022)

1.5. C Assessment Requirements

Tests and other assessment materials must meet all of the following requirements:

1. Are provided and administered in the language and form most likely to yield accurate information on what the pupil knows and can do academically, developmentally, and functionally, unless it is not feasible to provide or administer.
2. Are selected and administered so as to not be discriminatory on a racial or cultural basis
3. Are used for purposes for which the assessments or measures are valid and reliable.
4. Are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.
5. Tests and other assessment materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
6. Tests are selected and administered to best ensure that when a test is administered to a pupil with impaired sensory, manual, or speaking skills produces test results that accurately reflect the pupil's aptitude, achievement level, or any other factors the test purports to measure and not the pupil's impaired sensory, manual or speaking skills unless those skills are the factors that the test purports to measure.
7. No single measure or assessment is used as a sole criterion for determining whether a pupil is an individual with exceptional needs or determining an appropriate educational program for the pupil.
8. The pupil is assessed in all areas of the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, social and emotional status. A developmental history shall be obtained when appropriate. For pupils with residual vision, a low vision assessment shall be provided.
9. Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.
10. Assessments of children with disabilities who transfer from 1 school district to another school district in the same academic year are coordinated with such children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.
11. Assessments and procedures are selected and results are evaluated so as to prevent the disproportionate representation of students with disabilities.

The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special

attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment.

As part of an initial evaluation the IEP team will review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and observations by teachers and related services providers. (EC 56320, 56324)

1.5. D Assessment of African American Children under Larry P Decision

The Larry P v. Riles (1979) court case is the basis for law that disallows the administration of standardized intelligence quotient (IQ) tests to African American students. To ensure compliance with the Larry P, mandate, the CDE has established compliance review procedures to evaluate how well school districts are meeting this mandate in their African American students. The following areas are monitored to ensure compliance with this mandate:

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

1.5. E Assessment Report

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

1. Information related to enabling the student to be involved in and progress in the general education curriculum (or for preschool students to participate in the appropriate activities).
2. Whether the child may need special education and related services.

3. The basis for making the determination.
4. The relevant behavior noted during the observation of the child in an appropriate setting.
5. The relationship of that behavior to the child's academic and social functioning.
6. The educationally relevant health and development, and medical findings, if any.
7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
8. The need for specialized services, materials, and equipment for pupils with low incidence disabilities.

If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the assessment report. (EC 56327)

1.6 Reassessments

A reassessment of a pupil shall occur not more frequently than once a year, unless the parent and the LEA agree otherwise in writing, and shall occur at least once every three years, unless the parent and the LEA agree in writing, that a reassessment is unnecessary. (30 EC 56381)

Reassessment may also be conducted whenever conditions warrant a reassessment including the following:

1. If a parent or teacher requests a reevaluation;
2. When a preschool child with a disability transitions to kindergarten or first grade; or
3. Before determining a child is no longer eligible for special education.
4. If the district determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation.

1.6. A Three Year Reassessments

The three-year reassessments will consider the following in determining the need for additional information:

1. A review of existing data including evaluations and information proved by the parents of the pupil.

2. Current classroom-based assessments and observations by teachers and related services providers.
3. Observations by teachers and related service providers.

On the basis of that review, and input from the pupil's parents, the team will identify what additional data, if any, are needed to determine, including:

1. Whether the pupil continues to have a disability;
2. The present levels of performance and educational needs of the pupil

CHAPTER 2 - EARLY CHILDHOOD EDUCATION

Services for children birth to three years of age are currently provided by the Sacramento County Office of Education ECE programs, through an MOU with FCUSD.

2.1 Eligibility

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

1. Infants and toddlers with a developmental delay in one or more of the following five areas: cognitive development; physical and motor development, including vision and hearing; communication development; social or emotional development; or adaptive development.
2. Infants and toddlers with established risk conditions, who are infants and toddlers with conditions of known etiology or conditions with established harmful developmental consequences.

2.2 Transition Requirements for Early Intervention

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

1. The families of such toddlers will be included in the transition plans.
2. At 2 years 6 months of age, the service coordinator or provider will notify the parent and LEA for the area in which the child resides that the child will shortly reach the age of eligibility for preschool services.
3. The District of Residence will hold an IEP meeting before the third birthday that ensures smooth and effective transition to a preschool program so that the child is in his/her preschool program on his/her third birthday. The IFSP transition planning meeting will be convened with the service coordinator, the family and the LEA at least 90 days (and at the discretion of all parties, up to 6 months) before the child is eligible for the preschool services. The purpose of the meeting is to discuss the transition steps and timelines, dates for transition activities and any such services that the child may receive.
4. In the case of a child who may not be eligible for preschool services, with the approval of the family, reasonable efforts will be made to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services. (17 CCR 52112; EC 56426.9)

5. An invitation to the initial IEP team meeting shall, at the request of the parent, be sent to the service coordinator or other representatives of the early education or early intervention system to assist with the smooth transition of services.

2.3 Preschool Children (Age Three to Five) with Disabilities

2.3.A Identification and Referral

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

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

Children who have been participating in the Early Start Program and are eligible to participate in preschool program will experience a smooth transition to preschool programs in the LEA or FCUSD. Representatives of the LEA will participate in all transition planning conferences to ensure a smooth transition.

2.3.B Evaluation and Assessment

Assessment procedures are applicable to preschool children from three to five years of age.

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

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

Special attention will be given to:

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

When standardized tests are considered invalid for children between the ages of three and five years, alternative means will be utilized (e.g. scales, instruments, observations, and

interviews) shall be used as specified in the *Assessment Plan*. (EC 56441.11, 56441.6, 56426.6)

2.3.C Eligibility

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

1. Is identified as having one of the following disabling conditions:
 - a. autism
 - b. deaf-blindness
 - c. deafness
 - d. hearing impairment
 - e. intellectual deficit
 - f. multiple disabilities
 - g. orthopedic impairment
 - h. other health impairment
 - i. emotional disturbance
 - j. specific learning disability
 - k. speech or language impairment in one or more of voice, fluency, language and articulation
 - l. traumatic brain injury
 - m. visual impairment, including blindness
 - n. established medical disability - Established medical disability is defined as a disabling medical condition or congenital syndrome that the IEP team determines has a high predictability of requiring special education and services (EC 56441.11, 56440, 56333-56339; 5 CCR 3030, 3031)
 - o. developmental delay
2. Needs specifically designed instruction or services
3. Has needs that cannot be met with modification of a regular environment in the home or school, or both, without ongoing monitoring or support as determined by an IEP team.

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

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

2.3.D Individualized Education Program

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

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

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

2.3.E Services for Preschool Children with Disabilities

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

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

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

1. Observing and monitoring the child's behavior and development in his or her environment.
2. Presenting activities that are developmentally appropriate for the preschool child and are specially designed, based on the child's exceptional needs, to enhance the child's development. Those activities shall be developed to conform to the child's IEP and shall be developed so that they do not conflict with his or her medical needs.

3. Interacting and consulting with the family members, regular preschool teachers, and other service providers, as needed, to demonstrate developmentally appropriate activities necessary to implement the child's IEP in the appropriate setting, and necessary to reinforce the expansion of his or her skills in order to promote the child's educational development. These interactions and consultations may include family involvement activities.
4. Assisting parents to seek and coordinate other services in their community that may be provided to their child by various agencies.
5. Providing opportunities for young children to participate in play and exploration activities, to develop self-esteem, and to develop pre-academic skills.
6. Providing access to various developmentally appropriate equipment and specialized materials.
7. Providing related services that include parent counseling and training to help parents understand the special needs of their children and their children's development.

Appropriate settings for these services include any of the following:

1. Regular public or private nonsectarian preschool program;
2. A child development center or family day care home;
3. The child's regular environment, that may include the home;
4. A special site where preschool programs for both children with disabilities and nondisabled peers are located close to each other and have an opportunity to share resources and program;
5. Special education preschool program, with children, who are not disabled, attending and participating, for all or part of the program; or,
6. A public school setting which provides an age-appropriate environment, materials, and services.

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

Services may be provided by any of the following methods:

1. Directly by a LEA or FCUSD;
2. Through an interagency agreement between a local educational agency and another public agency;
3. Through a contract with another public agency;

4. Through a contract with a nonpublic, nonsectarian school or nonpublic, nonsectarian agency; or
5. Through a contract with a nonsectarian hospital. (EC 56441.3, 56441.4, 56441.8)

2.3.F Instructional Adult-to-Child Ratio

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

2.3.G Transition from Preschool to Kindergarten

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

Prior to transitioning a child with disabilities from a preschool program to kindergarten, an appropriate reassessment of the child shall be conducted to determine if the child is still in need of special education and services. (EC 56445)

CHAPTER 3 – IDENTIFICATION AND ASSESSMENT OF ENGLISH LANGUAGE LEARNERS

3.1 Purpose and Scope

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

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

All English learners must be properly identified. Identification includes the completion of the state-mandated Home Language Survey (HLS). The California English Language Development Test (CELDT) or Alternate Proficiency Instrument (ALPI) is administered to determine English proficiency. These assessments are to be done within 30 school days of initial enrollment and the primary language will be assessed within 90 calendars of initial enrollment.

The CELDT has three purposes: (1) to identify students who are limited English proficient; (2) to determine the level of English language proficiency of students who are limited English proficient; and (3) to assess the progress of limited English proficient students in acquiring the skills of listening, reading, speaking, and writing in English. All ELs must be administered the CELDT annually. There are no parent waivers for taking CELDT. In developing the IEP for students identified as English learners, the IEP team must consider the results of the CELDT or an alternative to determine English language proficiency.

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

3.2 Identification and Referral of English Learners (EI) Suspected of Having a Disability

3.3 Special Considerations for EL Students Prior to Referral

Unless the student has a severe disability, including but not limited to severe vision and hearing impairments, severe physical impairment, severe mental retardation, autism, or

severe health impairment, the student should be allowed sufficient time to acquire English proficiency and receive appropriate academic instruction in English language arts and math. It is critical to differentiate between a student who is not achieving in the classroom because English is not his/her primary language and a student who is not achieving due to a disability.

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

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

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

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

3.4 Student Study Team (SST)

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

3.4.A SST Team Members

Members of the team may include the following:

1. At least one regular education teacher
2. Bilingual personnel
3. Principal or administrator
4. Parent
5. Special education specialist
6. School psychologist

7. School nurse
8. Counselor or specialist
9. Speech/language pathologist
10. Interpreters (as needed)
11. Student (as appropriate)
12. Others

3.4.B Student Study Team Responsibilities

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

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

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

3.5 Assessment Procedures for English Learners

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

3.5.A Psycho-Educational Assessments

Assessment requirements important to English learners include the following:

1. Assessments with pupils of limited English proficiency shall be administered in the child's native language or mode of communication, unless clearly not feasible to do so (EC 56320, EC 56001).
2. Assessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it clearly is not feasible to do so, an interpreter must be used, and the assessment report shall document this condition and note that the validity may have been affected. (CCR, Title 5: 3023)
3. Materials are selected and administered so as not to be racially, culturally or sexually discriminatory (EC 56320, EC 56001).
4. A variety of assessment tools and strategies will be used to gather relevant functional and developmental information, including information provided by the parent (EC 56320). Assessment tools and procedures are selected and administered to ensure that they measure the extent to which a student has a disability and needs special education rather than measuring the student's English proficiency.
5. No single procedure is used as the sole criterion for determining an appropriate educational program for an individual child (EC 56320, EC 56001).

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

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

3.5.B Other Procedures for Gathering Information

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

The following is a brief overview of four assessment procedures.

1. Norm-Referenced Tests: The norm-referenced test measures an individual's performance in relation to others on the same instrument. Key words often associated with this type of testing include: reliability, validity, and standardization. When using this type of test, it is critically important that the pupil being tested comes from a background (e.g., language, socioeconomic status) similar to that of the pupils on which the norms were derived is questionable. This often is the case with English learners.

2. Criterion-Referenced Tests: The criterion referenced test breaks down an area and measures what a student can do on each task in that area. No comparison of one student's performance with the performance of the group can be made. This type of testing gives yes/no answers to instructional questions (e.g. Can the student tell time by the ½ hour?) With this information, curricular suggestions can be made leading to specific goals and objectives.

3. Systematic Observation: This alternative assessment encourages the direct study of the referred student in a wide variety of settings. In systematic observation, one selects a specific behavior to observe, selects an appropriate measuring technique, depicts what is seen in the observation, and makes interpretations. Since the student is in his/her natural environment, it is possible to obtain a better picture of what the student is actually doing while using his/her own peer group as a backdrop. However, the presence of an observer may alter the environment and thus affect the validity of the behavior observed.

4. Structured Interview: This alternative assessment technique provides for a broad range of information collection. It is designed to incorporate the expectations and concerns of all those who are associated with the referral. Additional, interview based assessments allows for the funneling of information and expectations into the formal assessment system.

3.5.C Additional Assessment Guidelines

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

1. Assess language dominance at time of referral or evaluation by regular education personnel.

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

3.6 Program Options

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

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

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

4. Regular education program with specially designed modification.
5. Regular education program majority of the day with some special education specialist or resource specialist support
6. Regular classroom with specialized academic instruction for the majority of the day from SDC/and or special education specialist and/or related services support.
7. Special classes and centers.
8. Nonpublic schools
9. State special schools
10. Residential placement
11. Home/Hospital

3.6. A Specific Program Options for English Learners

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

Structured English Immersion

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

English Mainstream

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

Bilingual Program

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

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

3.7 IEP Development for English Learners with Disabilities

IEP Teams should ensure that:

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

Other requirements include:

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

3.7.A Linguistically Appropriate Goals, Objectives, and Programs

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

In California, it is recommended that linguistically appropriate goals be aligned to the California English Language Development Standards. The California English Language

Development Standards are available for downloading at www.cde.ca.gov/be/st/ss/index.asp)

- Kindergarten – grade 2
- Grades 3 – 12, literate in their primary language
- Grades 3 – 12, not literate in their primary language

The CDE EL Standards Book further clarifies that “students who enter California schools in those grade levels not literate in their primary language need to be taught the ELD literacy standards for earlier grade levels, including those standards related to phonemic awareness, concepts of print and decoding skills.”

3.7.B IEP Considerations for English Learners

The IEP of students identified as English learners includes instructional systems which meet the language development needs of the student and ensures access to the general education curriculum. Linguistically appropriate goals and objectives have the following characteristics:

1. They are appropriate for the cognitive level of the student.
2. They are appropriate for the linguistic level of the student.
3. They match the developmental level of the student’s primary (L1) or secondary (L2) language.
4. They match the student’s general education transition criteria and re-designation policy.
5. The IEP of students identified as English learners includes a determination of whether the CELDT will be administered with or without modifications or accommodations, or whether English proficiency will be measured using an alternative assessment.

3.7.C Additional Linguistic and Cultural Considerations

Culturally appropriate goals and objectives have the following characteristics:

1. They access the student’s prior knowledge and experiences.
2. They incorporate culturally relevant materials and experiences.
3. They affirm the student’s cultural heritage.

3.7.D IEP Accommodations & Modifications

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

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

1. Primary language support to assist with academics
2. Translation devices
3. Extra time on tests and assignments
4. Use of reference materials with visuals to aide comprehension
5. Bilingual dictionary if applicable to second language

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

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

3.7.E IEP Checklist for English Learners

- ☐ The IEP indicates if the student is classified as an English learner
- ☐ The IEP includes information about the student’s current level of English language proficiency in listening, speaking, reading, and writing (based on current CELDT or alternative assessment scores/levels)
- ☐ The IEP indicates if the student is going to take CELDT or requires an alternate assessments to CELDT and, if so, what the alternate assessment(s) utilized will be
- ☐ The IEP indicates which testing accommodations or modifications the student may utilize for CELDT
- ☐ The IEP indicates how English language development (ELD) needs will be met and who will provide those services *Note: Indicate the setting, duration and frequency*
- ☐ The IEP indicates if primary language support is needed
- ☐ The IEP indicates what language will be the language of instruction
- ☐ The IEP includes goals and objectives that are linguistically appropriate

Linguistically appropriate goals should align to the student's assessed level on the CELDT (or designated alternate assessment) and the CDE English Language Development (ELD) Standards. For English language learners, the IEP team must consider the language needs of the student as such needs relate to the student's IEP. The IEP must include linguistically appropriate goals, objectives, programs and services.

CHAPTER 3 APPENDIX - INTERPRETERS

An acute national shortage of bilingual psychologists, speech and language pathologists and special education teachers requires reliance on interpreters. Informed participation by an interpreter will assist in appropriate administration of assessment instruments. It is imperative that interpreters be sensitive to the cultural and linguistic differences which may influence assessment decisions, enhance parental input, and contribute to educational planning.

In regards to the IEP, the district must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Obtaining a District approved qualified interpreter

Criteria for Selecting Interpreters

The District has a pool of interpreters, and use either District personnel with bilingual skills or, when necessary, outside interpreters. In either case, interpreters should have qualifications other than bilingual skills. In developing a pool of interpreters, the following should be considered:

Language and Dialects Spoken

Because some language have distinct dialects, it is important to ensure that your interpreters can speak the dialect of the individuals school personnel with whom they wish to communicate.

Ability to maintain confidentiality of information

Interpreters should understand the need for confidentiality. Ideally, interpreters are personnel employed by a school district who are familiar with and obligated to follow the school district's confidentiality procedures and policies. Confidentiality training may be needed.

Familiarity with, nature and purpose of IEP meetings

Interpreters need to be briefed on topics that will be discussed at the student's IEP. A list of terms that will be used should be provided. An inexperienced interpreter may incorrectly translate technical terms.

Professionalism

Since the interpreter will be "doing the talking for you", it is important that the interpreter convey the proper tone and professionalism of the meeting. Appropriate dress, manner of addressing parents and professionals, and sensitivity in discussing issues are also qualities which should be considered when seeking interpreters.

Distinguishing opinion from interpretation Interpreters need to be cautioned regarding the conveyance of content from their own perspective. However, when word-for-word translation is impossible, literal translations may be necessary. If this situation occurs, the speaker should be duly informed by the interpreter.

Effective Use of an Interpreter in Assessments

Before Testing – The assessment team member and the interpreter review the following:

1. The general purpose of the testing session.
2. Which assessments will be administered.
3. Some information about the child.
4. Behavior of the child
5. Body language of the interpreter.
6. Reinforcement and excessive reinforcement – type and frequency.
7. Excessive cueing or prompting the child (verbally or with gestures).

During Testing – The assessment team member makes the following observations of the child:

1. Mixing of two languages.
2. Use of gestures for purposes of communication.

After Testing – Note observations by the interpreter.

Minimizing Interpretation Errors during Conferencing

1. Introduce conference participants.
2. Seating arrangements are critical. Interpreters should not block the parent from District personnel. Parents must be able to see both the interpreter and speaker.
3. Address remarks and questions directly to the parents. Even though the District may use an interpreter, communicate directly with the parents, not the translator. When parents ask questions, look at them and listen. Remember that a considerable amount of information is communicated non-verbally.
4. Communicate in short segments. Keep grammatical constructions as simple as possible and minimize the use of idioms.
5. Avoid professional jargon. Explain terms such as “behavior modification”, “reading comprehension”, or “dysgraphia”.
6. Observe body language. Rely on your interpreter to assist you in understanding culturally appropriate behavior.

7. Ask the interpreter to remain neutral.
8. Make the conference comfortable and non-threatening. Limit the number of participants, especially school personnel.
9. Use siblings, relatives, friends or acquaintances as interpreters with caution.

CHAPTER 4 - PARENTAL RIGHTS AND PROCEDURAL SAFEGUARDS

4.1 Purpose and Scope

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

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

The Notice of Procedural Safeguards

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

1. Upon initial referral or parental request for assessment.
2. Upon receipt of the first state complaint in a school year.
3. Upon receipt of the first due process hearing request in a school year.
4. When a decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of pupil conduct.
5. Upon request by a parent. (EC 56301(d)(2))
6. The procedural safeguards must include a full explanation of all the procedural safeguards relating to:
 1. Independent educational evaluations;
 2. Prior Written Notice
 3. Parental Consent
 4. Access to education records

4.2 Overview

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

because of the disability, needs special education and related services to benefit from education and meets state eligibility criteria.

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

4.3 Transfer of Parental Rights at Age of Majority

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

The school district must notify the individual and the parents of this transfer at least one year prior to the student's 18th birthday. This notification should be documented on the transition plan page in SEIS.

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

All rights of youth incarcerated in adult or juvenile federal, state, or local correctional institutions transfer to the child. (*EC 56000-56524; CFR 300.500-300.589*)

4.4 Parent Revocation of Consent

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

Department of Education officials emphasize that when parents revoke consent for special education and related services, they must do so in writing, and although school officials cannot delay in ceasing to provide special education and related services to the child, they must provide the parent with prior written notice (and a copy of procedural safeguards) prior to stopping services. The form for revocation of consent is located in SEIS under the future IEP forms.

4.5 Parent Access and School Visits

Parents may wish to observe in their child's current program. In this case, the parent contacts the site administrator for an appointment.

If parents would like to observe other educational options, arrangements must be made through the Program Specialist. Specific sites and classrooms will not be shown without advance notice and an appointment specific to the site and classroom. The site-based administrator will also be informed in advance of visitors to the site so that educational programs are impacted as little as possible. See below for additional information about site visits.

All visitors to the school site must register in the office and receive a visitor's badge in order to move about the campus.

1. The Program Specialist will notify the site administrator at least 24 hours in advance, and will reschedule if the requested date is not mutually agreeable. The classroom teacher needs to be part of the decision-making process
2. Discuss guidelines for length of the observation—typically 10-15 minutes in length
3. The visitor to a new school site is always accompanied by the Program specialist so the parent gets an opportunity to learn about the program before arriving in the classroom
4. Visitors must respect the confidentiality, privacy, and educational programs: photography is not permitted, and interactions with teachers, support staff, and students disrupt program continuity
5. If parent wishes to speak to or meet with a teacher, ask that a separate brief conference be scheduled so the teacher's full attention can be with the students in class
6. Office staff should alert the classroom teacher if a parent is visiting a classroom

CHAPTER 5 - PUPIL RECORDS

5.1 Purpose and Scope

Local Educational Agencies (LEAs) must establish policies and procedures that ensure the protection of parents' rights related to confidentiality of pupil records. Policies and procedures must be consistent with State and federal laws and regulations, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and corresponding California statutes and regulations, including sections 49060, et seq., of the California Education Code and sections 430, et seq., of Title 5 of the California Code of Regulations. Procedures should describe the required notice to parents, right to access pupil records, record keeping procedures, retention and destruction of pupil records, and requests for amendment of pupil records.

5.2 Parent Right to Access Pupil Records

Unless the disclosure of a particular category of pupil records is specifically exempted by statute, parents have the right to inspect and review all pupil records that relate to their child, including those that address the identification, assessment, and educational placement of the child and the provision of a free, appropriate public education, which are collected, maintained, or used by agency.

Each LEA shall permit parents access to records without unnecessary delay and, in no event, more than five (5) days after the request has been made either orally or in writing.

This includes access to and confidentiality of public records including LEAs educating pupils with disabilities in State hospitals, developmental centers, and youth and adult facilities. The LEA may not charge a fee for retrieval of information. The agency may, however, charge a fee for copies of records, which are made for parents, if the fee reflects the actual cost of reproducing the records and does not prevent the parents from exercising their right to inspect and review these records. In order for the fee to be waived for the actual costs of copying the records, the LEA may require evidence to substantiate waiver of such a fee.

Definition of Access:

Access means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record, or receipt of a copy of a record.

5.3 Notice to Parents

Parents must be notified, in writing, of their rights to inspect and review the school records of their children. This must be done at the time of initial enrollment and annually thereafter.

To the extent practicable, this notice should be in the home language of the pupil and should include information on policies, procedures, and rights related to record keeping including the Family Educational Rights and Privacy Act of 1974 (FERPA). The notice will contain the following specific information:

1. The types of records and information contained therein.
2. The position of the official responsible for the maintenance of each type of record.
3. The location of the log or record required to be maintained.
4. Criteria used by the district to define “school officials and employees” and in determining “legitimate educational interest.”
5. The policies of the district for reviewing and expunging records.
6. The right of the parent to access pupil records.
7. The procedures for challenging the content of pupil records.
8. The cost, if any, charged to the parent for reproducing copies of records.
9. The categories of information which the institution has designated as directory information.

Any other rights stated in the California Education Code and the right to file a complaint with Department of Health, Education and Welfare (FERPA). Notice of all locations where copies of the policies and procedures regarding the General Education Provisions Act and confidential pupil records may be obtained.

The right to inspect and review also includes responses to reasonable requests for explanations and interpretations of the records and the right to have a representative of the parent inspect and review the records. (See provision regarding written parental releases.) (EC 49061, 49063)

5.4 Safeguards

LEAs must protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages. Each LEA must maintain for public inspection a current list of names and positions of those employees who have access to personally identifiable information.

5.5 Consent to Release Student Records

1. Written consent must specify the records to be released, identify the party or class of parties to whom records may be released, state the purpose(s) of the disclosure and be

signed and dated by the parent or eligible student. (See Appendix for Release of Information Form.)

2. The recipient of the records must be notified that the transmission of information to others without the written consent of the parent is prohibited; however, information may be shared with other persons within the educational institution obtaining access, as long as such persons have a legitimate interest in the information. Each LEA has the right to share information internally among its employees and contractors having a reasonable need for the information.
3. Whenever a pupil reaches the age of 18 years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the pupil shall thereafter only be required of, and accorded to, the pupil. (EC 49061, 49073, 49076)

5.6 Log of Requests for Information

All requests of individuals or agencies with the exceptions of “other school officials” above and parents, must be recorded in a record or log of requests for information, except for directory information recipients. The log or record must be open to the inspection by a parent and the school officials or his designee responsible for the maintenance of pupil records and to other school officials with legitimate educational interests in the records, and to the Comptroller General of the United States, the Secretary of Health, Education and Welfare and administrative head of an educational agency as defined in PL 93-380, and state educational authorities as a means of auditing the operation of the system.

The log or record must contain the following information: the name of the requesting party and the legitimate interest of the party. The log should be kept with the student’s educational records.

5.7 Amendment of Records

If parents desire to challenge the content of pupil records, they must establish that one of the specific grounds set forth in the Education Code exists and provide a written request to correct or remove the information to the superintendent. If the superintendent declines to amend the pupil record in question, the parents may appeal this decision to the LEA’s governing board.

Grounds for amendment include:

1. Inaccurate information.
2. Information is unsubstantiated personal conclusion or inference.
3. Information is a conclusion or inference outside the observer’s area of competence.

4. Information is not based on personal observation
5. Misleading information.
6. Information in violation of the privacy or other right of the pupil. (EC 49070)

5.8 Retention and Destruction of Pupil Records

No pupil records may be destroyed except pursuant to established District rules and regulations which must comply with the procedure for destruction of records contained in California Code of Regulations, Title 5, sections 16020 and following, or as provided in Education Code sections 49070 (b) and (c) relating to the destruction of records that have been successfully challenged as inaccurate or unsubstantiated.

Prior to destruction of special education records for students with disabilities, the LEA must first contact, or attempt to contact, the parent/guardian, to inform them that the records are no longer needed and will be destroyed, unless the parent wants to keep them. (CFR 300.573) Otherwise the LEA may proceed with destruction.

An agency may not destroy any educational record if there is an outstanding request to inspect or review them. Logs or records of access must be maintained as long as the educational record to which it pertains is maintained.

As documents are received by the records custodian at each site, he or she shall initial them to indicate the type of records involved. There are three types of records: mandatory permanent (MP), mandatory interim (MI), and permitted (P).

After records are classified, they must then be classified for destruction according to the timelines contained in Title 5.

5.8.A Mandatory Permanent Records Include:

1. Legal name of pupil
2. Date of birth
3. Method of verification of date of birth
4. Sex of pupil
5. Place of birth
6. Name and address of a parent of a minor pupil
7. Address of minor pupil if different
8. An annual verification of the name and address of the parent and residence of the pupil

9. Entering and leaving date for each school year and for any summer session or other extra session
10. Subjects taken during each year, half-year, summer session or quarter
11. If marks or credits are given, the marks or number of credits toward graduation allowed for work taken
12. Verification of, or exemption from, required immunizations
13. Date of high school graduation or equivalent
14. Evidence of pupils' disability and participation in special education program, if applicable

These mandatory permanent records must be forwarded to a requesting school, but the original or copy must be retained permanently.

Mandatory Permanent Records that have been in inactive status for five years shall be microfilmed. (5CCR §§ 430, 432)

5.8.B Mandatory Interim Records

Those records which schools are required to compile and maintain for stipulated periods of time and are then destroyed as per California statute or regulation. These records must be forwarded to all California schools and may be forwarded to other schools. Such records include:

1. Access log
2. Health records
3. Participation in special education programs including required tests, case studies, authorizations and actions necessary to establish eligibility or discharge
4. Language training records
5. Progress slips and/or notices as required by Education Code Sections 49066 and 4906
6. Parental restrictions regarding access to directory information or related stipulations
7. Parent rejoinders to challenged records and to disciplinary action
8. Parental authorizations or prohibitions of pupil participation in specific programs
9. Results of standardized tests administered within the preceding three years (5CCR §§ 430, 432)

5.8.C Permitted Records include:

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Verified reports of relevant behavioral patterns
4. All disciplinary notices
5. Attendance records not covered in the California Code of Regulation, Title 5 section 400 (records related to ADA or to compulsory education) (5CCR §§ 430, 432)

5.8.D Destruction Procedures

Destruction of Permitted Records

Permitted pupil records may be destroyed when their usefulness ceases.

Notwithstanding the foregoing, special education-related permitted records should ordinarily be retained by an LEA for at least two years after the student ceases to be enrolled in the LEA and may be destroyed thereafter. (5CCR § 437)

Destruction of Mandatory Interim Records

Unless forwarded to another district, mandatory interim pupil records should be retained for at least two years after the student leaves the district or when their usefulness ceases. Destruction shall occur during the third school year following such classification. (5CCR § 437)

5.9 Confidentiality of Pupil Records Containing I.Q. Information

The following guidelines implement the California State Department of Education

Directives dated December 3, 1986, and October 15, 1987, regarding the use of I.Q. tests in the assessment of African-American pupils for special education services.

As of September, 1986, LEAs may not use intelligence tests in the assessment of African-American pupils who have been referred for special education services. Parents of African-American pupils shall not be asked if they want to consent to the use of such tests. An I.Q. test may not be given to a African-American pupil even with parental consent. There are no special education related purposes for which I.Q. tests shall be administered.

I.Q. Test Protocols

When a case manager, school or the district receives records containing I.Q. test protocols from other agencies, out-of-state school districts, military facilities, or independent assessors, these records shall be forwarded to the parent. I.Q. test scores contained in the records shall not become a part of the pupil's current school record.

CHAPTER 6 - SPECIAL EDUCATION ELIGIBILITY CRITERIA AND IEP PLANNING GUIDELINES

6.1 Purpose and Scope

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

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

6.2 Prior to Referral for Special Education

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

Specialists, such as school psychologists, speech/language pathologists, and education specialists may be involved in the SST process. However the Student Study Team is not a special education function and as such is not subject to the associated restrictions and timelines of special education

A special education referral may be appropriate after interventions have been implemented. As a regular education function, the SST also helps with mainstreaming strategies for those students who are already receiving special education and related services.

6.3 Referral

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

All school staff referrals shall be written and include:

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

School staff is encouraged to initiate the assessment process for students suspected to have disabilities, including but not limited to, students with various chronic or acute health conditions, such as diabetes, that adversely affects a student's educational performance.

6.4 Assessment

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

1. Whether the pupil may need special education and related services;
2. The basis for making the determination;
3. The relevant behavior noted during the observation of the pupil in an appropriate setting
4. The relationship of that behavior to the pupil's academic and social functioning;
5. The educationally relevant health and development, and medical findings, if any, for children with a suspected or diagnosed health condition, the LEA is to solicit health information from the child's primary physician or other health care provider(s) as part of the assessment plan, including whether the child's condition affects strengths, vitality or alertness, and the health care services required. Assessment reports need to incorporate current treatment plans from the child's health care providers for health care sources during school hours;
6. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate and;
7. The need for specialized services, materials, and equipment for the pupils with low incidence disabilities. (EC 56136)

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

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

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

Assessment for each student must be performed in all areas of suspected disability.

6.5 Eligibility Criteria

A student qualifies as an individual with exceptional needs, if the results of the assessment demonstrate that the degree of the student's impairment requires special education and related services. The decision as to whether or not the assessment results demonstrate that the degree of the student's disability requires special education shall be made by the IEP team, including assessment personnel. The IEP team shall take into account all the relevant information that is available on the student. No single score or product of scores shall be used as the sole criterion for the decision of the IEP team as to the student's eligibility for special education. (EC 56220 (a) 56026, 56320, 3030 (a through j) 56361 56341 (d))

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

6.5. A Three Primary Factors Must Be Considered

Three primary factors must be considered in making this determination:

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

6.5. B Special Rule for Eligibility Determination

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

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

6.5.C Evaluations Before Change in Eligibility

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

See Appendix Forms for Sample Letter.

6.6 Severe Disabilities and Non-Severe Disabilities

Students meeting eligibility under some of the above federal classifications are considered to be severely disabled as follows:

"Severely disabled" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe intellectual disability, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils (commencing with Section 56800) of this part, as it read on January 1, 1980. (E.C., Sec. 56030.5)

6.7 Eligibility Categories

6.7.A Autism (AUT): A severely disabling condition.

Definition:

C.C.R., Title 5, Sec. 3030

A pupil exhibits any combination of the following autistic-like behaviors, to include but not be limited to:

1. An inability to use oral language for appropriate communication.
2. A history of extreme withdrawal or relating to people inappropriately and continued impairment in social interaction from infancy through early childhood.
3. An obsession to maintain sameness.
4. Extreme preoccupation with objects or inappropriate use of objects or both.
5. Extreme resistance to controls.
6. Displays peculiar motoric mannerisms and mobility patterns.
7. Self-stimulating, ritualistic behavior.

Autism is defined a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a child's educational performance. Other characteristics often associated with autism include engaging in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. C.F.R. 300.7 (c)(1)

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information includes all of the following:

1. A written report from a school psychologist or other person with experience and training in working with autistic individuals.
2. A written report from a speech/language pathologist addressing verbal and non-verbal communication skills.
3. Assessment/observation which indicates that the behavioral manifestations are so severe that the student requires intensive special education and/or related services.

6.7.B Deaf/Blindness (DB): A severely disabling condition.

Definition:

C.C.R., Title 5, Sec. 3030

Combination of which causes severe communication, developmental, and educational problems. C.F.R. 300.7 (c)(2)

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

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information includes all of the following:

1. The effect of the disability on communication, social, emotional, physical, educational, and other areas of development.
2. Current audiological measures of auditory functioning which documents a hearing loss, with and without amplification, as determined by a qualified audiologist.
3. Performance which reveals significant dysfunction directly related to the physical impairment.
4. A written report of an eye examination by either a physician or an optometrist which states that the student's central visual acuity is 20/200 or less Assessment of receptive and expressive communication skills and current education in the better eye after best correction with conventional spectacle lenses, or visual acuity is better than 20/200 if there is a field defect in which the widest diameter of the visual field is no greater than 20 degrees.

6.7.C Deafness (D): A severely disabling condition.

Definition:

C.C.R., Title 5, Sec. 3030

A pupil has a hearing impairment whether, permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination. C.F.R. 300.7(c)(3)

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

Deafness: This hearing impairment is so severe that an individual is impaired in processing linguistic information through hearing with or without amplification.

This condition adversely affects expressive or receptive communication or both, developmental growth, and/or educational performance.

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information to be considered includes:

1. Current audiological measures of auditory functioning with and without amplification as determined by a qualified audiologist.

2. Current assessment of receptive and expressive communication skills and current educational performance reveals significant impairment.

6.7.D Hearing Impairment (HI): A severely or non-severely disabling condition.

Definition:

C.C.R., Title 5, Sec. 3030

A pupil has a hearing impairment, whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination. C.F.R. 300.7(c)(5)

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

Hard of hearing: This hearing impairment, whether permanent or fluctuating, adversely affects an individual's expressive and/or receptive communication, developmental growth, and/or educational performance and makes difficult, but does not preclude, the processing of linguistic information through hearing, with or without amplification.

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information to be considered includes:

1. Current audio logical measures of auditory functioning with and without amplification as determined by a qualified audiologist.
2. Current assessment of receptive and expressive communication skills and current educational performance reveals significant impairment.

6.7.E Intellectual Disability (ID) A severely or non-severely disabling condition.

Definition:

C.F.R. 300.7(c)(6)

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

Implementation Procedures

A student shall be assessed by a multi-disciplinary team. Relevant information to be considered shall include all of the following:

1. The determination of a significant discrepancy (minimum of two standard deviations) between chronological age and ability level, as determined by a credentialed school psychologist. C.C.R., Title 5, Sec. 3030
2. A pupil has significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affect a pupil's educational performance.
3. An adaptive behavior measure administered by a school psychologist
4. A report by a school psychologist of an observation of the student in the home and/or school situations to confirm that the student's adaptive behavior is significantly below the expectancy level for chronological age. The report shall describe the observed behavior, the environment in which the behavior occurred, culturally appropriate peer and adult interactions, and any other factors relevant to adaptive behavior.
5. A developmental history and current medical history including vision and hearing testing.
6. The cumulative results, from the multi-disciplinary team, of the examinations and observations investigating such factors as health and developmental history, language development, school achievement, adaptive behavior, and psychological processing substantiate individual test scores indicating mild, moderate or profound delays in overall levels of functioning. These results must verify the need for an educational program which emphasizes, but is not limited to, the development of some or all of the following:
 7. Self-help skills
 8. Environmental awareness
 9. Survival skills
 10. Self sufficiency
 11. Communication/language
 12. Economic usefulness (work skills, vocational education)
 13. Independent or semi-independent living skills

The IEP Team shall document that other factors such as racial, cultural, and language background are not major contributing factors to the results of the assessments.

6.7.F Multiple Disabilities (MH): A severely disabling condition.

Definition:

34 C.F.R. 300.7 (c)

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

Implementation Procedures

A pupil shall be defined as having multiple disabilities when the IEP team determines that the pupil has two or more concomitant disabilities and the combination of disabilities requires unique modifications and support. A written report by a school psychologist shall include an assessment on adaptive behaviors.

6.7.G Orthopedic Impairment (OI): A severe or non-severe disabling condition.

Definition:

C.C.R., Title 5, Sec 3030 (e)

A pupil has a severe orthopedic impairment which adversely affects the pupil's educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes. C.F.R. 300.7(c)(8)

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

Implementation Procedures

A student shall be assessed by a multi-disciplinary team. Relevant information to be considered includes:

1. Observation/assessment by a person with knowledge of orthopedic disabilities, who is trained to select, administer and interpret assessments that accurately measure the abilities of the student.
2. A review of medical records which document a diagnosis of physical impairment which may adversely affect educational performance, such as any of the following:
3. Cerebral Palsy
4. Poliomyelitis
5. Infections, including but not limited to, bone and joint tuberculosis and osteomyelitis
6. Congenital anomalies including, but not limited to, amputation, clubfoot, dislocations, or spinal bifida

7. Birth injury, including but not limited to, Erb's palsy and fractures
8. Trauma, including but not limited to, amputations, burns or fractures
9. Tumors, including but not limited to, bone tumors or bone cysts
10. Developmental diseases, including but not limited to, coxaplane or spinal osteochondritis
11. Other conditions, including but not limited to, fragile bones, muscular atrophy, muscular dystrophy, Perthe's disease, or juvenile rheumatoid arthritis.

6.7.H Other Health Impairment (OHI): A severe or non-severe disabling condition.

Definition:

A pupil has limited strength, vitality or alertness, due to chronic or acute health problems which adversely affects a pupil's educational performance. In accordance with Section 56026 (e) of the Education Code, such physical disabilities shall not be temporary in nature as defined by Section 3001 (v). C.F.R. 300.8 (c)(9): Other health impairment is defined as having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, which results in limited alertness with respect to the educational environment, that: (i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and Tourette Syndrome, and (ii) adversely affects a child's educational performance.

Implementation Procedures

Student shall be assessed by a multi-disciplinary team of trained and knowledgeable personnel. Assessment team members must use technically sound and appropriate instruments that include health and development information for all students with diagnosed health conditions. (This includes OHI students as well as those with other handicapping conditions) Relevant information includes the following:

1. The school nurse shall provide the IEP team with specific medical information related to physical limitations and their projected duration. C.C.R., Title 5, Sec 3030
2. Qualified assessors shall include in reports the results of observations within the regular program.
3. For students with OHI/diabetes, a written statement from the child's physician as well as a written statement from the child's parent are required before either a school nurse or other designated personnel may assist a child with the administration of medication. Therefore decisions about what health care services a student will receive, including treatment while at school, such as the timing and dosage of insulin to be administered usually are based on the treating physician's written orders.

6.7.I Emotional Disturbance (ED): A severely or non-severely disabling condition.

Definition:

C.C.R., Title 5, Sec. 3030

Because of a emotional disturbance, a pupil exhibits one or more of the following characteristics over a long period of time and to a marked degree, which adversely affect educational performance:

1. An inability to learn which cannot be explained by intellectual, sensory, or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations. A general pervasive mood of unhappiness or depression.
4. A tendency to develop physical symptoms or fears associated with personal or school problems. C.F.R. 300.7(c)(4)

Emotional disturbance is defined as follows:

1. The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's education performance:
2. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
3. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
4. Inappropriate types of behavior or feelings under normal circumstances.
5. A general pervasive mood of unhappiness or depression.
6. A tendency to develop physical symptoms or fears associated with personal or school problems.
7. The term includes schizophrenia.

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

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information includes the following:

1. A report written by a credentialed school psychologist documenting the presence of a serious emotional disturbance. The report shall include a summary of previous and

current assessments of educational and emotional status, educational history, home and school observations, health and developmental history, and attempted interventions.

2. Eligibility as emotional disturbance for purposes of educational placement and/or services shall not be determined solely on the basis of any non-educational evaluation (including evaluations by psychiatrists or clinical psychologists).

The IEP Team must document the following in order to find that a student has a serious emotional disturbance:

1. The disturbance is of such severity that the student's educational needs cannot be met in the regular classroom.
2. The presenting educational difficulties are not the result of social maladjustment (E.C. Section 56026 (e)).
3. The presenting educational difficulties are not the result of a behavior disorder.
4. The behavior has been observed for a period of time longer than six months.
5. The inability to learn cannot be explained by intellectual or sensory factors or by limited school experience or poor attendance.

Additional considerations:

1. Eligibility is based on a multi-disciplinary assessment of the student's needs.
2. The least restrictive environment shall be considered when determining placement.

6.7.J Specific Learning Disability (SLD): A non-severe disabling condition.

Definition:

E.C. 56337

A pupil shall be assessed as having a specific learning disability which makes him or her eligible for special education and related services when it is determined that 1 of the following exist:

1. A severe discrepancy exists between the intellectual ability and achievements in one or more of the following academic areas:
 - a. Oral Expression
 - b. Listening comprehension
 - c. Written expression
 - d. Basic reading skills

- e. Reading comprehension
 - f. Mathematics calculation
 - g. Mathematics reasoning
 - h. Reading fluency
2. The discrepancy is due to a disorder in one or more of the basic psychological processes and is not the result of environmental, cultural, or economic disadvantages.
 3. The discrepancy cannot be corrected through other regular or categorical services offered within the regular instructional program. E.C. 56337.5 (a)

A pupil who is assessed as being dyslexic and meets eligibility criteria specified in Section 56337 and subdivision (j) of Section 3030 of Title 5 of the California Code of Regulations for the federal Individuals with Disabilities Education Act (20 U. S. C., Sec. 1400 and following) category of specific learning disabilities is entitled to special education and related services. C.C.R. Tile 5, Sec. 3030

A pupil has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations, and has a severe discrepancy between intellectual ability and achievement in one or more of the academic areas specified in Section 56337(a) of the Education Code. For the purpose of Section 3030(j):

1. Basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, and cognitive abilities including association, conceptualization and expression.
2. Intellectual ability includes both acquired learning and learning potential and shall be determined by a systematic assessment of intellectual functioning.
3. The level of achievement includes the pupil's level of competence in materials and subject matter explicitly taught in school and shall be measured by standardized achievement tests.
4. The decision as to whether or not a severe discrepancy exists shall be made by the individualized education program team, including assessment personnel in accordance with Section 56431(d), which takes into account all relevant material which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the individualized education program team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the individualized education program team shall use the following procedures:
 - a) When standardized tests are considered to be valid for a specific pupil a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and a standard deviation of 15, the achievement test score and the ability test score to be compared; second, computing the difference between these common

standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations, and work samples as appropriate.

- b) When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.
- c) If the standardized tests do not reveal a severe discrepancy as defined in subparagraphs (A) or (B) above, the individualized education program team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team, which shall include, but not be limited to:

- 1. Data obtained from standardized assessment instruments;
- 2. Information provided by the parent;
- 3. Information provided by the pupil's present teacher;
- 4. Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
- 5. Consideration of the pupil's age, particularly for young children;
- 6. Any additional relevant information; and
- 7. The discrepancy shall not be primarily the result of limited school experience or poor school attendance.
- 8. The discrepancy shall not be due to limited English proficiency.
- 9. The discrepancy shall not be due to lack of appropriate instruction in reading and math.

C.F.R. 300.7 (10)

Specific learning disability is defined as follows:

(i) *General.* The term 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 an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(ii) *Disorders not included.* The term specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental

disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (For the initial IEP and each triennial, for students determined to have SLD, it must be specifically stated that the disability is not the result of any of the above.)

Implementation Procedures

Required Factors in Determining Eligibility

The IEP Team, at both the initial IEP and at each triennial, must verify that the following two requirements have been met in order to state that a student is eligible for special education as a child with a specific learning disability:

1. There is a severe discrepancy between ability and achievement.
2. There is documented evidence of a processing disorder in one or more of the following areas:
 - a. Attention
 - b. Visual processing
 - c. Auditory processing
 - d. Sensory motor skills
 - e. Cognitive abilities including association, conceptualization, and expression

NOTE: In order for the student to be eligible for special education program and services the team must find that the student's needs cannot be met in the regular program (including categorical services) without special education support.

***Determination of a Severe Discrepancy**

A multi-disciplinary team shall assess a student in one or more of the following areas of academic instruction:

- a. Oral expression
- b. Listening comprehension
- c. Written expression
- d. Basic reading skills
- e. Reading comprehension
- f. Mathematics calculation
- g. Mathematics reasoning
- h. Reading fluency

A report written by a credentialed school psychologist shall document that the pupil demonstrates a severe discrepancy between his ability and achievement.

The determination of a severe discrepancy necessitates the use of a standardized achievement test and a test of intellectual ability. Two methods of determining a severe discrepancy are indicated below.

*NOTE: IDEA 2004 allows for LEAs or SEAs to implement a Response to Intervention Model in lieu of the severe discrepancy model. However, California has not established a process for districts to use Rtl at this time.

Method 1: Regression to the Mean Formula:

Within the regression to the mean formula there are two ways to determine a severe discrepancy.

1. The first way is to use co-normed tests. These are tests that were normed together and provide either tables or computer programs that can be used to determine a discrepancy.

Examples of co-normed tests include:

2. Wechsler Intelligence Scale for Children III (WISC III) and the
3. Wechsler Individual Achievement Test (WIAT).
4. Woodcock-Johnson Psycho-Educational Battery-Revised (WJ-R).
5. The second way is to use regression to the mean formula to compute the difference. This should be used with tests that are not co-normed. The formula requires a correlation coefficient indicating the degree of relationship between the academic and intelligence tests.

Method 2: Existing State Formula:

The California Department of Education specified a formula for determining a severe discrepancy several years ago. It does not take into consideration regression to the mean. The tables in previous manuals are no longer valid since most of the tests included in the tables have been revised. With the revised editions of tests there are only two methods to determine discrepancy using this model.

1. The first method is to use the computation procedure. This option requires the use of the formula contained in Appendix B-2 and requires a correlation coefficient indicating the degree of relationship between the academic and intelligence test.
2. The second method is to use the estimation procedure. This is included in Appendix B-3. It provides a procedure to estimate whether or not a severe discrepancy exists.

NOTE: When standardized tests are considered to be invalid for a specific pupil the discrepancy shall be measured by alternative means as specified on the assessment plan. This determination may be based on such data as the results of informational or criterion-referenced assessments, analysis of pupil work samples, classroom performance and observations. On initial IEPs and at each triennial, for students determined to have a SLD, the IEP team must certify, in writing, that when standardized tests are considered to be invalid for a specific pupil, the discrepancy was measured by alternative means.

Additional Considerations:

The psychological processing disorder should be manifested on more than one instrument and be corroborated by an analysis of other test results and observations. The relationship of the processing disorder to the pupil's academic deficits should be clearly established and become the basis for instructional planning and development of specific objectives for the student's IEP.

The IEP Team shall ensure that neither the documented psychological processing disorder or the discrepancy is due to factors of environment, cultural differences or economic disadvantage. Also, neither the documented psychological processing disorder nor the discrepancy may be the result of visual, hearing or motor disabilities, mental disability, limited school experience or poor attendance, limited English proficiency or lack of appropriate instruction in reading and math.

NOTE: The CDE has not offered guidance on using the Response to Intervention (RtI) method to determine eligibility for SLD at this time. However, districts may begin to pilot it use in determining eligibility.

NOTE: On initial IEPs and at each triennial for students determined to be SLD, observations of relevant behavior must be made by at least one team member other than the student's teacher (in the general education classroom or other appropriate environment) and these observations must be documented in writing. The IEP team must also certify, in writing, the relationship of the behavior to the students' academic functioning. For initial IEPs and each triennial for students determined to have a specific learning disability, the IEP team must certify, in writing, any educationally relevant medical findings.

For initial IEPs and each triennial, for students determined to have a specific learning disability, each team member must certify, in writing, whether the report reflects his or her conclusion. If the report does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

6.7.K Speech or Language Impairment: (SLI): A non-severe disabling condition.

Definition:

E.C.56333. A pupil shall be determined as having a language or speech disorder which makes him or her eligible for special education and related services when he or she

demonstrates difficulty understanding or using spoken language to such an extent that it adversely affects his or her educational performance and cannot be corrected without special education and related services. In order to be eligible for special education and related services, difficulty in understanding or using spoken language shall be assessed by a language, speech and hearing specialist who determines that such difficulty results from any of the following disorders:

1. Articulation disorders, such that the pupil's production of speech significantly interferes with communication and attracts adverse attention.
2. Abnormal voice, characterized by persistent, defective voice quality, pitch, or loudness. An appropriate medical examination shall be conducted, where appropriate.
3. Fluency difficulties which result in an abnormal flow of verbal expression to such a degree that these difficulties adversely affect communication between the pupil and listener.
4. Inappropriate or inadequate acquisition, comprehension, or expression of spoken language such that the pupil's language performance level is found to be significantly below the language performance level of his or her peers.
5. Hearing loss which results in a language or speech disorder and significantly affects educational performance.

C.F.R. 300.7 (11)

Speech or language impairment is defined as a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

C.C.R., Title 5, Sec. 3030

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

6.7.K.1 Articulation

Implementation Procedures

A student having hearing within the normal speech range shall be assessed as having an articulation disorder when the student demonstrates a developmental delay in the production of one or more phonemes.

1. A preschool child between the ages of three and five years must have one or more sound articulation errors delayed by a minimum of six months according to a developmental scale of articulation competency.

2. Upon entering kindergarten and up to age eight, a student must have one or more sound articulation errors delayed by a minimum of one year according to a developmental scale of articulation competency. An exception to this year delay would be lateralization of sibilant sounds. Students who produce lateralized s, z, sh, ch, or j, should receive therapy as soon as the sound in error goes beyond the developmental scale.
3. Students age eight and above must have one or more mis-articulations and demonstrate one or more of the following:
4. Lack of stimulability in syllables/words.
5. Consistency of error in two or more speaking situations.
6. Reduced intelligibility in conversational speech.

C.C.R., Title 5, Sec. 3030 (c)

(1) Articulation Disorder.

(a) The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.

(b) A pupil does not meet the criteria for articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

6.7.K.2 Abnormal Voice

Implementation Procedures

A student shall be assessed by a multi-disciplinary team as having abnormal voice when the disorder adversely affects educational performance. When indicated, vocal assessment shall include a medical laryngeal examination.

The IEP team documents that the abnormal voice is noticeable to both familiar and unfamiliar listeners, interferes with communicating, is noticeable over a long period of time and is inappropriate for the student's age and/or gender.

6.7.K.3 Fluency Disorder

Implementation Procedures

A student shall be assessed by a multi-disciplinary team as having a fluency disorder when the student exhibits inappropriate rate or rhythm of speech or excessive repetition, revision, interjection, pauses, and other breaks in the flow of speech that do not enhance meaning.

A degree of normal non-fluent behavior characterizes the speech of very young children. In this case, periodic monitoring and parent education may be more appropriate than direct intervention.

6.7.K.4 Language Disorder

C.C.R., Title 5, Sec. 3030 (c)

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

(a) The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the C.C.R., Title 5, Sec. 3030 (c)

(2) Abnormal Voice. A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness. C.C.R., Title 5, Sec. 3030 (c)

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

Expected language performance level shall be determined by alternative means as specified on the assessment plan, or

(b) The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subsection (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of fifty utterances.

The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information shall include the following:

Assessment in one or more of the following areas of language development:

1. Morphology
2. Syntax
3. Semantics
4. Pragmatics

Scores on standardized tests shall meet the requirements set forth in Title 5 quoted above.

Scores from analysis of a language sample must also meet the requirement set forth in Title 5 quoted above.

When standardized tests are considered to be invalid for a specific pupil, the language disorder shall be assessed by alternative means as specified on the assessment plan.

Language Disorder does not include:

1. Students who have atypical patterns resulting from lack of familiarity with English, cultural differences, race, or environmental deprivation.
2. Students whose language is commensurate with his/her general cognitive functioning.

6.7.L Traumatic Brain Injury (TBI): A severe or non-severe disabling condition

Definition:

Traumatic brain injury is defined as an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment, problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information includes the following:

1. A review of medical records, which document a diagnosis of traumatic, brain injury.
2. A written report by a school psychologist which shall include a summary of previous and current educational performance, cognitive functioning, home and school observations and attempted interventions.

3. Assessment by persons knowledgeable in the following areas:

- a. Post trauma academic functioning
- b. Language and speech production
- c. Perceptual and motor abilities
- d. Judgment and psychosocial behavior
- e. Health and physical functions
- f. Adaptive behaviors

4. The IEP Team shall determine that the traumatic brain injury adversely affects educational performance. C.F.R. 300.7 (C)

The least restrictive environment shall be considered when determining placement.

6.7.M Visual Impairment Including Blindness (VI): A severe or non-severe disabling condition.

Definition:

C.F.R. 300.7 (13)

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

Implementation Procedures

A multi-disciplinary team shall assess a student. Relevant information to be considered includes a written report of an eye examination by either a physician or optometrist and a functional vision assessment by a person credentialed to serve the visually impaired. One of the following descriptions should apply:

- 1. Partially Sighted: The student's visual acuity in the better eye, after the best correction, is between 20/70 and 20/200.
- 2. Legally Blind: Central visual acuity of 20/200 or less in the better eye after best correction with conventional spectacle lenses, or visual acuity better than 20/200 if there is a field defect in which the widest diameter of the visual field is no greater than 20 degrees. In the United States this definition has been established primarily for economic and legal purposes.
- 3. Blind: The student's visual impairment is so severe that for education purposes, vision cannot be used as a major channel of learning and the visual impairment, even with correction, adversely affects the individual's educational performance.

CHAPTER 7 - INDIVIDUALIZED EDUCATION PROGRAM

7.1 Purpose and Scope

The Individualized Education Program (IEP) is a written plan which is developed by an IEP team that results in an offer of FAPE that provides educational benefit for a student with a disability. The IEP document must describe the student's present level of academic achievement and functional performance, sets annual goals and describes the special education program and related services needed to meet those goals. The IEP describes how the disability effects the child's involvement and progress in the general curriculum. The IEP includes measurable annual goals, including academic and functional goals, related to the child's need, resulting from the child's disability, that will enable the child to be involved in, and progress in the general education curriculum and that meet each of the pupil's other educational needs that result from the individual's disability.

The SELPA or DISTRICT will provide a continuum of program options to meet the needs of students with disabilities to ensure a free appropriate public education (FAPE). The IEP team determines the program or combinations of programs that can meet the student's needs in the least restrictive environment (LRE), allowing for maximum interaction with typically developing peers and course content consistent with instruction provided to students without disabilities.

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

The IEP shall show a direct relationship between the present levels of performance, the goals (and objectives if appropriate) and the specific educational services to be provided. (C.C.R., Title 5, Sec. 3040 (c)) The District must provide Special Education and related services in accordance with the student's IEP.

7.2 Individualized Education Program Requirements

7.2.A Development of IEP

An IEP shall be developed within a total time not to exceed 60 calendar days, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of receipt of the parent's written consent for assessment, unless the parent agrees, in writing, to an extension. Parents and other IEP team members are to receive written notice of the IEP meeting. The parent is to receive notice of the IEP meeting in the native language of the parent (or other communication means used by the parent) unless it is not feasible to do so.

A District administrator or designee will initiate and conduct the meeting for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The IEP team must review, but not less than annually, each student's IEP.

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

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

7.2.B IEP Content

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

1. A statement of the child's present levels of academic achievement and functional performance, including:
 - a. how the disability affects the child's involvement and progress in the general education curriculum;
 - b. for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities; and
 - c. for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.
2. a statement of measurable annual goals, including academic and functional goals designed to:
 - a. meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
 - b. meet each of the child's other educational needs that result from the child's disability.

3. a description of how the child's progress toward meeting the annual goals will be measured, and when periodic reports on progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with issuance of report cards) will be provided;
4. a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child:
 - a. to advance appropriately toward attaining the annual goals;
 - b. to be involved in and make progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and
 - c. to be educated and participate with other children with disabilities and typically developing peers in the activities described above.
5. an explanation of the extent, if any, to which the child will not participate with typically developing peers in the regular class and extracurricular and nonacademic activities;
6. a statement of any individual appropriate accommodations that is necessary to measure the academic achievement and functional performance of the child on State and District-wide assessments.

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

- a) the child cannot participate in the regular assessment; and
 - b) the particular alternate assessment selected is appropriate for the child;
 - c) for the students eligible for statewide testing using the California Alternative Performance Assessment (CAPA), the DISTRICT must document how it assists students to achieve the benchmarks listed in the IEP.
 - d) for the student who participates in Statewide Assessment using the California Modified Assessment (CMA), the IEP must contain evidence of multiple measurements of student progress over a period of time for each of the subjects specified on the IEP
 - e) for the student who participates in Statewide Assessment using the California Modified Assessment, the IEP must include goals for academic achievement based on the content standards in English/Language Arts, Math and Science for the grade in which the student is enrolled
 - f) the IEP team must review annually for each subject area (English/Language Arts, Math, and Science), the decision to assess a student using the California Modified Assessment to ensure that assessment using the CMA remains appropriate.
7. The projected date for the beginning of services and modifications, and the anticipated frequency, location and durations of those services and modifications.
 8. Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter:

- a. appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
- b. the transition services (including course of study) needed to assist the child in reaching those goals; and
- c. beginning not later than 1 year before the child reaches the age majority (age 18), a statement that the child has been informed of the child's rights that will transfer to the child when reached age 18.

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

The IEP includes descriptions of program modifications or supports for school personnel that will be provided to enable the child to advance toward attaining annual goals, be involved and make progress in the general education curriculum and participate in extra-curricular activities, and be educated and participate with other children with disabilities and with non-disabled children

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

7.3 IEP Team Members

Each meeting to develop, review, or revise the individualized education program of a child with special needs shall be conducted by an IEP team.

The IEP team shall include all of the following:

1. One or both of the student's parents, a representative selected by a parent, or both
2. Not less than one general education teacher of the student, if the student is, or may be, participating in the general education environment. If more than one general education teacher is providing instructional services to the student, one general education teacher may be designated by the District to represent the others. The general education teacher of a student shall, to the extent appropriate, participate in the development, review, and revision of the student's individualized education program, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the student, and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student.
3. Not less than one special education teacher of the student, or if appropriate, not less than one special education provider of the student.
4. A representative of the local educational agency who meets all of the following:
 - a. is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs.

- b. is knowledgeable about the general curriculum.
 - c. is knowledgeable about the availability of resources of the local educational agency.
5. An individual who can interpret the instructional implications of the assessment results. The individual may be a member of the team.
6. At the discretion of the parent, guardian, or the local educational agency, other individuals, who have knowledge or special expertise regarding the student, including related services personnel, as appropriate. The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the individualized education program team.
7. Whenever appropriate, the student. The District shall invite the student to attend his or her IEP team meeting if a purpose of the meeting will be the consideration of the postsecondary goals and the needed transition services for the student. If the student does not attend the IEP meeting, the District shall take steps to ensure that the student's preferences and interests are considered. (30 EC 56341)

The general education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP. The teachers will assist in the determination of appropriate positive behavioral interventions and strategies for the child, and supplementary aids and services, program modifications or supports for school personnel that will be provided for the child.

7.3.A IEP Team Member Excusal

IEP Team Area of Curriculum Not Being Discussed

A member of the individualized education program team shall not be required to attend an IEP team meeting, in whole or in part, if the parent of student and the DISTRICT 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.

IEP Team Member Area of Curriculum or Related Services Being Discussed

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

1. The parent and the District consent to the excusal after conferring with the member.
2. The member submits in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting. A parent's agreement shall be in writing. (30 EC 56341)

NOTE: Refer to SEIS Forms, for IEP Team Member Excusal Form

7.3.B If Parents Cannot Attend IEP Meeting

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

If the parent cannot be contacted or if the District is unable to convince the parents that they should attend, the IEP meeting may be conducted without a parent in attendance. Regardless of parental attendance at the IEP meeting, parent or the party holding educational rights are to be provided a copy of the IEP at no cost. If the parent does not attend the IEP meeting, a copy of the IEP can be sent via U.S. mail to the parent. The District will keep a record of its attempts to arrange a mutually agreed on time and place for the IEP, such as:

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

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

7.4 Least Restrictive Environment

Definition:

- a) To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with children who are non-disabled.
- b) Special classes, separate schooling, or other removal of individuals with exceptional needs from the general educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (30 EC 56040.1)

Least restrictive environment (LRE) requirements include the following:

1. The student's placement will be as close as possible to his/her home.
2. Unless the IEP requires some other arrangement, the student will be educated in the school that he or she would attend if not identified with special needs.
3. In selecting the least restrictive environment, consideration will be given to any potential harmful effect on the student or on the quality of services that he/she needs.
4. A student with a disability will not be removed from education in age-appropriate general education classrooms solely because of needed modifications in the general curriculum.

5. In providing or arranging for the provision of nonacademic and extracurricular services and activities, the District will ensure that the student with the disability participates with typically developing peers in those services and activities to the maximum extent appropriate to the needs of that student.
6. Special classes may enroll a student only when the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services, including curriculum modifications and behavioral support, cannot be achieved satisfactorily. These requirements also apply to separate schooling or other removal of students from the general education environment. (EC 56364, 56364.2; 5 CCR 3042; CFR 300.550)

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

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

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

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

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

1. Regular classroom.
2. Regular classroom with supplementary aids and services.
3. Regular classroom with specialist services (specialized academic instruction less than half the day).
4. General education classroom with related services.
5. General education classroom with services from a special day class teacher and supports and/or related services (specialized academic instruction more than half the day).

6. Special classes and centers.
7. Nonpublic, nonsectarian school services.
8. State special schools.
9. Residential schools.
10. Home/Hospital.

7.5 Special Education and Related Services and Descriptors

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

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

7.5.A Specialized Academic Instruction/ Non-intensive Services

Description

The specialized academic instruction/non-intensive services shall provide, but not be limited to, all of the following:

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

7.5.B Specialized Academic Instruction/Special Day Classes/Intensive Services

Description

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

The following standards for special classes shall be met:

1. Special classes may enroll students only when the nature or severity of the disability of the student is such that education in the regular classes with the use of supplementary aids and services including curriculum modification and behavioral support cannot be achieved satisfactorily. These requirements also apply to separate schooling or other removal of individuals with disabilities from the general educational environment;
2. Students in a special class shall be provided with an educational program in accordance with their individualized education programs the same length of time as the regular school day for that chronological peer group;
3. When the IEP team determines that a student cannot function for the full regular school day, and when it is so specified in the IEP, a student may be permitted to attend a special class for less time than the regular school day for that chronological peer group.

Staffing

Special education services are to be provided by appropriately credentialed or qualified individuals. The LEA shall ensure that special education providers have not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

Related services personnel and paraprofessionals shall meet qualifications that are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services. The LEA shall ensure that related services personnel who deliver services in their discipline or profession have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

7.5.C Nonpublic, Nonsectarian School Services

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

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

services shall be provided under contract with the DISTRICT, SELPA, or SCOE to provide the appropriate special education and related services when no appropriate public education program is available.

7.5.D State Special Schools

In determining the educational placement of a child with a disability, including a preschool child, the District will ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child. All placement decisions will be based on the individual needs of the student pursuant to the IEP and not on the basis of the disability, configuration of service delivery and availability of staff. All placements will be made in the least restrictive environment. (EC 56360, 56361; CFR 300.551, 300.26)

7.5.E Residential Schools

The IEP team may determine that a student needs a residential placement. The IEP may be an expanded IEP to include other agencies in such a placement, where appropriate.

7.5.F Home and Hospital Instruction

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

7.6 Related Services

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

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

7.6.A Speech and Language Services

The related service in language speech and hearing may include:

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

Caseloads of full-time equivalent speech/language pathologist (SLP) shall not exceed a District-wide or SELPA-wide average of (55) fifty-five students (40 students for a full-time equivalent preschool provider) unless prior written approval has been granted by the State Superintendent of Public Instruction.

Services may be provided by a speech/language pathology assistant (SLPA) working under the direct supervision of a credentialed speech/language pathologist if specified in the IEP.

7.6.B Audiological Services

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

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

7.6.C Orientation and Mobility Instruction

Related services in orientation and mobility may include the following:

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

7.6.D Instruction in the Home and Hospital

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

1. Instruction and services for individuals with disabilities whose physical condition requires their confinement for prolonged periods of time and who require long-term instruction at home or in a hospital. The IEP team must recommend this service.
2. Instruction and service for individuals with disabilities, whose disability restricts their capability to attend school, as evidenced by a specialist in the area of those restrictions (e.g. licensed medical physician), and whose instructional goals include both academic and rehabilitative services, as monitored through quarterly progress updates and progress towards goals. This service must be recommended by the IEP team and is regarded as an interim placement.
3. One (1) hour of home/hospital instruction is the equivalent of a full day of ADA, and that a typical home/hospital instruction is 1 hour per day. However, the amount of instruction time must be based upon a student's needs, and may be fewer or greater than 60 minutes per day. Related services will be provided during the student's established instructional schedule when the credentialed teacher is present. FCUSD strives to embed critical elements of the student's related services into the educational delivery process whenever appropriate.

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

7.6.E Adapted Physical Education (APE)

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

Consultative services may be provided to students, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications

necessary for successful participation in the regular physical education program or specially designed physical education programs.

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

7.6.F Occupational Therapy and Physical Therapy

When FCUSD contracts for the services of an occupational therapist or a physical therapist, the following standards shall apply:

1. Occupational or physical therapists shall provide services based upon recommendation of the IEP Team. Physical therapy services may not exceed the services specified in the Business and Professions Code at Section 2620.
2. The FCUSD SELPA shall assure that the therapist has available safe and appropriate equipment.
3. A physical therapist shall be currently licensed by the Board of Medical Quality Assurance of the State of California and meet the educational standards of the Physical Therapy Examining Committee.
4. An occupational therapist shall be currently registered with the American Occupational Therapy Association.

7.6.G Vision Services

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

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

7.6.H Psychological Services

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

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

7.6.I Parent Counseling and Training

Parent counseling and training may include:

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

7.6.J Health and Nursing Services

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

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

7.6.K Specially Designed Vocational Education and Career Development

Personnel providing vocational education services shall be qualified to provide the services.

Specially designed vocational education and career development for students with disabilities regardless of severity of disability may include:

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

7.6.L Recreation Services

Recreation services include but are not limited to the following:

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

7.6.M Specialized Services for Low Incidence Disabilities

Specialized services for low incidence disabilities may include:

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

7.6.N Services for Students with Chronic Illnesses or Acute Health Problems

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

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

The IEP must identify the staff responsible for providing health and related services, including administration of medication that is designated on the IEP. The IEP is to state the specific specialized physical health care services provided at school, on the school bus, on field trips and at other school-sponsored activities.

The focus of specific continuing specialized physical health care services is to allow each student to attend school in the least restrictive environment and to benefit from general education and/or Special Education. For students with health needs due to diabetes or other health problems, designed instruction and specialized physical health care services are to be stated in detail and included in the IEP. A new IEP meeting needs to be called should there be a change in specialized physical health care services.

7.6.O Services for Deaf and Hard of Hearing Students

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

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

A specially trained instructional aide, working with and under the direct supervision of the credentialed teacher of the deaf and hard-of-hearing, may assist in the implementation of the student's educational program. Services will be provided by an individual holding an appropriate credential to provide services to the hearing impaired and who has training, experience and proficient communication skills for educating students with hearing impairments.

7.7 Review and Revision of the IEP

The IEP will be reviewed periodically, but not less than annually to determine whether the annual goals for the child are being achieved. The IEP will be revised as appropriate to address any lack of expected progress toward the annual goals and in the general curriculum, where appropriate. In addition, the IEP team will meet whenever the parent or teacher requests a meeting to develop, review or revise the IEP. An IEP meeting will be held within 30 days of receipt of a written request from a parent (not counting days between the student's regular school sessions, terms, or days of school vacation in excess of 5 school days).

The following should be included in a review:

1. The results of any reevaluation,
2. Information about the child provided to, and by, the parent as required in the evaluation process;
3. The child's anticipated needs; and
4. Other matters.
5. Any lack of expected progress toward the annual goals and in the general curriculum where appropriate.

The IEP team will review progress toward previous annual goals, benchmarks (short-term objectives) if appropriate and progress in the general curriculum when developing new goals, and benchmarks if appropriate. At least annually, the degree to which benchmarks

are met must be reviewed for students eligible for statewide testing using the California Alternate Performance Assessment (CAPA).

The general education teacher of the child as a member of the IEP shall, to the extent appropriate,

7.7.A Making Changes and Amendments to the IEP

In making changes to a child's IEP after the annual IEP team meeting for a school year, the parent of the individual with exceptional needs and the District may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document, signed by the parent and by a representative of the District, to amend or modify the student's existing IEP. Changes to the IEP may be made, either by the entire IEP team or by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent shall be provided with a revised copy of the IEP with the *amendments* incorporated.

7.7.B IEP Team Meetings Required

An individualized education program team shall meet whenever any of the following occurs:

1. A student has received an initial formal assessment. The team may meet when a student receives any subsequent formal assessment.
2. The student demonstrates a lack of anticipated progress.
3. The parent or teacher requests a meeting to develop, review, or revise the individualized education program.
4. Annually, to review the student's progress, the individualized education program, including whether the annual goals for the student are being achieved, and the appropriateness of placement, and to make any necessary revisions. The individualized education program team conducting the annual review shall consist of the required members. Other individuals may participate in the annual review if they possess expertise or knowledge essential for the review. (30 EC 56343)

7.7.C Consolidation of IEP Meetings

To the extent possible, the District shall encourage consolidation of reevaluation meetings for the child and other IEP Team meetings for the child, to the earlier date. Annual and triennial meetings can be consolidated to eliminate unnecessary meetings without compromising due dates or exceeding the yearly IEP team meeting. Consult your program specialist for strategies on IEP consolidation.

7.8 IEP Meeting Process

7.8.A Present Levels of Academic and Functional Performance

The IEP team must determine the student's present level of academic achievement and functional performance. This determination is made by looking at assessment results, input from the parents, teacher and other providers. The IEP team can then identify areas of need for the student.

7.8.B Individual Transition Plan and Transition Services

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

1. Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
2. The transition services (including course of study) needed to assist the child in reaching these goals;
 - a. If a participating agency (other than the District) fails to provide the transition services described in the IEP, the IEP team will reconvene to identify alternative strategies to meet the transition objectives for the student; and
 - b. If an invited agency representative cannot attend the IEP meeting to develop transition services, the District will obtain agency participation in planning for these services.
 - c. Beginning not later than 1 year before the child reaches the age majority (age 18), a statement that the child has been informed of the child's rights that will transfer to the child when reached age 18.

7.8.C Consideration of Special Factors

The IEP team will consider the following special factors:

Behavioral

In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.

Students with Limited English Proficiency

In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP.

For individuals whose primary language is other than English, linguistically appropriate goals, objectives, programs and services.

Blind and Visually Impaired

In the case of a child who is blind or visually impaired, provide for instruction in accordance with the IEP. The IEP team will make service delivery decisions after an evaluation of the child's reading and writing skills, needs and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) is conducted.

Deaf and Hearing Impaired

Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs. The IEP team will consider opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode. For students with hearing impairments who utilize amplification devices, including hearing aids, the student's amplification devices are to be monitored on a regular and consistent basis and such monitoring must be documented.

Assistive Technology for Students with Low Incidence and Other Disabilities

Consider whether a child requires assistive technology devices and services. The IEP team determines if a student should receive services of interpreters, translators, note takers, and/or readers.

If, in considering the above special factors, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive a free and appropriate public education, the IEP team must include a statement to that effect in the child's IEP.

7.8.D Developing Goals

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

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

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

7.8.E Discussion of Options Considered

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

The Special Education and related services to be provided must be stated in the IEP for students, age preschool through young adult.

Students with all handicapping conditions, including those with low incidence disabilities, should have the opportunity to receive all or a portion of instruction in the general education classroom while being enrolled in special classes taught by qualified teachers.

7.8.F Supplementary Aids and Services

Supplementary aids and services means aids, services, and other supports that are provided in general education classes or other educationally-related settings and in extracurricular and nonacademic settings, to enable individuals with exceptional needs to be educated with non-disabled children to the maximum extent appropriate.

(EC 56033.5)

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

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

7.8.G Determination of Special Education and Related Services

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

7.8.H Extended School Year (ESY)

The need for Extended School Year ("ESY") programming must be considered and documented annually on the IEP for every student receiving special education services. The need for ESY services may be addressed at any IEP meeting by the IEP team. However, in order to appropriately identify student need, the IEP meeting addressing ESY

should take place a reasonable time prior to the commencement of the extended school year time frame.

Extended school year services are individualized extensions of special education and related services that are provided to a student with a disability beyond the regular school year. ESY is provided by the District at no cost to the parents so that students may maintain the specific skills during the school year. ESY services vary in intensity, location, type of service and length of time, depending upon each student's needs.

Not every student with a disability is entitled to receive ESY services. Rather, students who are determined by their IEP team to need ESY services are entitled to receive them as part of a free appropriate public education. Decisions about ESY eligibility are made individually through the IEP process usually at the student's annual IEP meeting. ESY eligibility is not limited to students with particular types of disabilities.

Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program. (5 CCR 3043)

7.9 Individualized Education Program: Transitions

7.9.A Transition from Preschool to Elementary School

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

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

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

7.9.B Transition from Specialized Structured Environment or Learning Center or from Non-Public, Nonsectarian School to the General Education Classroom in the Public School

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

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

7.9.C Secondary Transition

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

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

7.10 Educational Benefit

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

7.10.A Components of Educational Benefit Analysis

Based on procedural requirements, including:

The assessment is complete and the child is assessed all areas of suspected disability

1. The IEP team identifies needs related to:
 - a. the child's disability
 - b. involvement and progress in the general curriculum
2. Goals are established in each need area
3. Objectives are developed for students taking CAPA
4. Services are planned to support:

5. Progress towards all goals
6. Progress in the general curriculum
7. Participation in the general education environment
8. Education with other students with disabilities and typically developing peers
9. The IEP team reviews the student's progress and adjusted the IEP if progress was not made or to address other needs.

7.10.B Definition of FAPE

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

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

7.11 Interim Placements

7.11.A Transfers to District from Within the State

If the child has an IEP and transfers into the District from a District outside the SELPA, the District shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parents, for a period not to exceed 30 days, by which time the District shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law.

7.11.B Transfers from Outside of State to Folsom Cordova Unified School District

If the child has an IEP and transfers from an educational agency outside the state to a District within the state within the same academic year, the District shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved (parent-signed) IEP, in consultation with the parents, until the District conducts a formal or informal assessment and schedules an interim placement 30 day IEP meeting.

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

Upon receipt of a request from an educational agency where an individual with exceptional needs has enrolled, a former educational agency shall send the pupil's special education

records, or a copy thereof, to the new educational agency with five working days. (EC 56325)

CHAPTER 8 - SECONDARY TRANSITION

8.1 Purpose and Scope

Transition services (designed with a results oriented process focused on improving academic functional achievement of the student) must be addressed in the IEP of the student not later than in the year in which he/she turns 16 years of age. The goal of transition services is planned movement from secondary education to adult life that provides opportunities which maximize economic and social independence in the least restrictive environment for individuals with exceptional needs. Planning for transition from school to postsecondary environments should begin in the school system well before the student leaves the system. (30 EC 56460)

Transition is all about planning for a student's future and how academic courses, functional curriculum and vocational activities help move a student towards the future goal. Discussion about transition or future planning should be addressed at the beginning of the IEP team meeting so that the IEP team is focused throughout the meeting on helping the student work towards his or her future goals. The goal of transition is to provide the student with all the skills, knowledge and support necessary to make their post school goals a reality.

8.2 Transition Services to be Addressed on the IEP to Be in Effect at Age 16 and Each IEP Thereafter

Transition services, are a coordinated set of activities for students with special needs that are addressed on the IEP and:

1. Are designed within an results-oriented process, that is focused on improving the academic and functional achievement of the individual with exceptional needs to facilitate the movement of the pupil from school to post-school activities, including postsecondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation.
2. Includes measurable post-secondary goals that are based upon the individual needs of the pupil, taking into account the strengths, preferences, and interests of the pupil, and when appropriate, age appropriate transitional assessments related to training, education, employment and independent living skills.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
4. Transition services for students with special needs may be special education, if provided as specially designed instruction, or a designated instruction and service, if

required to assist a pupil to benefit from special education. Is based upon the individual needs of the pupil, taking into account the strengths, preferences, and interests of the pupil.

5. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation. (56345.1. (a))

8.3 Timeline for Developing Individual Transition Plan

Beginning not later than the first IEP to be in effect when the student is 16 (or earlier if deemed appropriate by the IEP team), and updated annually thereafter:

(a) the IEP must include courses of study that focus on improving the academic and functional achievement of the student to facilitate the student's movement from school to post-school;

(b) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;

(c) the transition services (including course of study) needed to assist the student in reaching those goals; and

(d) beginning not later than 1 year before the student reaches the age majority (age 18), a statement that the student has been informed of the student's rights that will transfer to the student when reaching age 18.

8.4 Areas to be Addressed

8.4.A Instruction

The IEP is an individualized instructional and support plan for students with disabilities. The transition planning, activities and services detailed in the IEP align instruction with student's post-secondary goals.

8.4.B Related Services

The IEP must describe any related services the student may need, such as transportation to a work experience or career counseling to help the student prepare for his or her future goals.

8.4.C Community Experiences

Instructional activities may take place in the community such as community based instruction to help students generalize skills learned in the classroom to the outside world.

8.4.D Employment

All students should have employment related language in their IEP. For some students this may be a goal to go to college; for others it may mean job training or supported employment. Other students may go right to work after leaving school. The District is responsible for helping students identify their goals and develop plans that prepare students to achieve.

8.4.E Daily Living Skills and Functional Evaluation

Some students may need specific instruction and activities in order for them to take care of themselves and live as independently as possible. Some students may need a functional evaluation to determine which skills they will need to develop so that they are able to enter employment or live independently.

8.5 Other Agency Involvement

To the extent appropriate, and with the consent of the parent/guardian/adult student, a representative of any other agency that is likely to be responsible for providing or paying for transition services will be invited.

If a participating agency (other than the district) fails to provide the transition services described in the IEP, the IEP team will reconvene to identify alternative strategies to meet the transition objectives for the student.

If an invited agency representative cannot attend the IEP meeting to develop transition services, the district will obtain agency participation in planning for these services by some other means.

8.6 IEP Team Participants for Secondary Transition

IEP team participants, including other agency representatives listed above, are to receive a notice of the IEP meeting which states the purpose of the meeting. (The student receives a notice; however, if the student is a minor, the individual holding educational rights may determine that the student cannot attend.)

Student Role: Participates, communicates preferences and interests, communicates strengths, and takes part in the IEP development. (If the student is not in attendance, how were the student's interests and preferences determined?) 300.321(b)(1) Would provide that the student be invited to the IEP meeting if a purpose of the meeting is consideration of

the student's postsecondary goals and the transition services needed to achieve those goals.

(2006 IDEA Regulations Comments indicated that if the student is a minor, the parents (unless ed. rights have been limited or extinguished) have the authority to determine whether the student should attend the IEP Team meeting (pg.46671) 300.321(b) (2) it is the public agency's obligation to take other steps to ensure that the student's preferences and interests are considered if the student is unable to attend the meeting.

Parent/Family

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

Special Education Specialist

Role: Provides information, provides teaching strategies including accommodations and or modifications, suggests course of study related to student's post school goals; identifies related services, provides input into transition service needs, links student and parents with appropriate post-school services, coordinates all people, agencies, services or programs involved in the transition planning process

General Education Teacher

Role: Assists in planning course of study, assists in identifying and providing modifications, adaptations, support and positive behavioral strategies or interventions.

(34 CFR 300.321 – Not less than one regular education teacher of such student (if the student is, or may be, participating in regular education)

FCUSD Representative

Role: Support staff and allocate FCUSD resources

1. Qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities
2. Is knowledgeable about the general curriculum and the availability of resources of the FCUSD
3. Has the authority to commit the FCUSD to implement the IEP
4. FCUSD may designate another staff member of the IEP team if these criteria are met.

Other Specialists

1. Who can interpret the instructional implications of evaluation results
2. Who may be one of the team members already listed.

Other Appropriate Agency Personnel

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

8.7 Postsecondary Goals

The IEP must document development of measurable postsecondary goals based on age-appropriate transition assessments. The IEP for students 16 years old or younger, if appropriate, must contain: appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; (bb) the transition services (including courses of study) needed to assist the student in reaching those goals. [Section 614(d) (1) (A) (i) (VIII)]

8.8 Summary of Academic Achievement and Functional Performance

The Summary of Academic Achievement and Functional Performance is not part of the IEP process. The summary is prepared by the FCUSD and provided to the student when he/she leaves school, either by graduating with a general diploma or reaching the age of 22. The summary will offer the student a document that summarizes his/her academic and functional performance with recommendations about what accommodations and supports the student may need to enter post-school activities, such as training, higher education, employment, and independent living. For a student whose eligibility terminates, a FCUSD shall provide the student with a summary of his/her academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting his/her postsecondary goals. (Section 614(c) (5) (B))

NOTE: Refer to SEIS Forms for Summary of Performance Form

8.9 Transfer of Rights at Age of Majority

The IDEA '04 continues the requirement of notifying the student and family that educational rights convert to the student upon reaching the age of majority, which is 18 years old in California: beginning not later than 1 year before the student reaches the age of majority under State law, a statement that the student has been informed of his/her rights if any, that will transfer to the student on reaching the age of majority. (Section 614(d) (1) (A) (i) (VIII), emphasis added)

8.10 Post-Secondary Follow Up

The State requires districts to seek information from students who have graduated from high school to collect data on post school outcomes.

8.11 Students Between Nineteen and Twenty-Two Years

Between the ages of nineteen and twenty-one, inclusive; enrolled in or eligible for a program under this part or other special education program prior to his or her nineteenth birthday; and has not yet completed his or her prescribed course of study or who has not met proficiency standards.

1. Any person who becomes 22 years of age during the months of January to June inclusive, while participating in a program under this part may continue his or her participation in the program for the remainder of the current fiscal year, including any extended school year program for individuals with exceptional needs.
2. Any person otherwise eligible to participate in a program under this part shall not be allowed to begin a new fiscal year in a program if he or she becomes 22 years of age in September or that new fiscal year.
3. Any person who becomes 22 years of age during the months of October, November, or December while participating in a program under this act shall be terminated from the program on December 31 of the current fiscal year, unless the person would otherwise complete his or her individualized education program at the end of the current fiscal year or unless the person has not had an individual transition plan incorporated into his or her individualized education program and implemented from the age of 20 years, in which case the person shall be terminated from the program at the end of the fiscal year.

(E.C., Sec. 56026: (c) (4)) Refer to *Transition to Adult Living*, An Information and Resource Guide, California Department of Education, 2007 on the following website:

http://www.calstat.org/publications/pdfs/transition_guide_07.pdf

CHAPTER 8 APPENDIX A

Legal Requirements and Best Practices Q & A (Taken from *Transition to Adult Living* from CDE)

The IDEA of 1990 required planning for post-school transition at IEP meetings for all students with disabilities. The law required that students be invited to attend the IEP meeting and that transition services and planning be addressed in the following areas:

1. Instruction
2. Employment and other post-school adult living objectives
3. Community experiences
4. If appropriate, daily living skills
5. Functional vocational evaluation

The IDEA of 1997 further expanded transition planning in the IEP to include related services necessary to achieve the activities stated in the transition plan and required procedures for the transfer of legal rights from the parent to the student upon reaching the age of majority under state law.

Question: Are education agencies responsible for preparing students for their futures?

Answer: Yes. IDEA '04 continues to reinforce the intention that education agencies will assist students to successfully transition from school to adult living. Its purpose clearly states the legislative intent that education agencies prepare students for life after leaving school: (d)

PURPOSES.—The purposes of this title are— (1) (A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. (Section 601, emphasis added)

What It Means: The primary purpose of the IDEA is to ensure that children and youth with disabilities have a right to a free appropriate public education; but it also means that education agencies will prepare them for activities after leaving school. These activities include attending college, training for employment, getting a job, living independently, and participating in the life of the community.

Question: What is the definition of “transition services”?

Answer: The definition of transition services in the IDEA '04 explains how improving a student's academic and functional achievement will improve the transition from school

to adult living: (34) TRANSITION SERVICES. —The term “transition services” means a coordinated set of activities for a child with a disability that— (A) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. (Section 602, emphasis added)

What It Means: The IDEA expects that local education agencies, community and state agencies,

and families will work together to design educational programs that prepare students with disabilities for life after leaving school. The IDEA lists specific results: improved academic and functional achievement that will offer youth choices in adult life. These choices include continued education, employment, and the ability to assume adult roles.

Question: What is the coordinated set of activities designed to help students move from school to adult living?

Answer: The definition of transition services is a coordinated set of activities. The activities to which the IDEA refers have a concerted purpose: to help students move successfully from school to adult living. Improving a student’s academic and functional performance while in school increases the student’s chances for a better future. Best practices involve helping the student understand the connection between school and careers, coordinating all stakeholders—the student, the family, the school, and other service providers— and having the student’s goals for the future as the focus of all activities. The definition further clarifies that transition services are based on the student’s interests and include the areas of instruction, community experiences, developing employment or other goals (such as further education), and any other related services the student may need to achieve his or her long-term goals. (34) TRANSITION SERVICES. —The term “transition services” means a coordinated set of activities for a child with a disability that—

(A) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(B) is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and

(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. (Section 602)

What It Means: General and special educators coordinate activities with the student to assist the student in identifying his or her strengths, interests, and preferences for post-school activities—such as further education, training, or employment—and to help the student achieve those goals. General and special educators coordinate activities to ensure that students with disabilities receive a standards-based or functional education, individually determined according to student need, with appropriate supports, services, accommodations, and modifications to be successful in school and beyond school. Additionally, students receive instruction and engage in activities that prepare them for the world of work and community. Local education agencies coordinate with community and state agencies involved with higher education, employment training, and services for adults with disabilities to better inform students about the options available after leaving school. Local education agencies work with families to develop transition plans designed to help students reach their future goals and, ideally, provide information to families about post-school options and adult services for their children.

Question: What is the required transition services language in the IEP?

Answer: The definition of transition services in the IDEA 2004 further explains that transition planning is student-centered and focused on the student's goals. Specific areas must be addressed in transition planning in the IEP. Transition services refer to a set of activities that: (B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and (C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation. (Section 602, Article 34)

What It Means: The definition of transition services clarifies that when education agencies and families develop transition services language in the IEP, it must be based on the student's strengths, interests, and ideas about what he/she wants to do when finished with school. Students may not know what they want to do after leaving school or they may not have realistic goals; so the transition services language should include activities that help students make informed decisions to formulate realistic goals that match their unique personalities, interests, and preferences. Once student interest and preference have been identified, the IDEA identifies the following areas to be addressed in transition services language in the IEP:

Areas to Be Addressed: in transition services language in the IEP Instruction The IEP is an individualized instructional and support plan for students with disabilities. The transition planning, activities, and services detailed in the IEP align instruction with the student's post-school goals. For most students, participation in a standards-based instructional program will provide them the requisite skills to enter college, further training, or employment. Many students benefit from seeing the connection between

school and career by participating in school and work-based instructional experiences, while others may need more intensive functional skills training to enter the world of work. Related services The plan must describe any related services the student may need— such as transportation to a work experience or career counseling— to help the student prepare for his or her future goals. Community experiences Instructional activities may take place in the community, such as community-based instruction, to help students generalize the skills learned in the classroom to the real world. Employment All students should have employment related language in their IEP. For some students this may be a goal to enter higher education in order to obtain a degree leading to their career choice. Other students may need job training or supported employment; and for others still, going to work right after leaving school may be the goal. Regardless of what the goals are, schools should help students identify their goals and develop plans that prepare the students to achieve them. Daily living skills and functional evaluation (if appropriate) Some students need specific instruction and activities in order to learn to take care of themselves and live as independently as possible. Some students may need a functional evaluation to determine which skills they will need to develop so that they are able to enter employment or live independently.

Question: When must transition service language be included in the IEP?

Answer: Not later than the student's sixteenth birthday. The point in time when transition language must be added to the IEP for students with disabilities was raised from the age of 14 in the IDEA of '97 to the age of 16 in the IDEA '04. However, for many students, beginning transition services earlier than 16 may be appropriate. And the IDEA '04 allows for it: (VIII) beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter. [Section 614(d) (1) (A) (i)]

What it Means: The IEP that is developed on or before the student's sixteenth birthday must contain transition service language. If the student turns 16 before the next scheduled IEP meeting, the IEP team is required to develop transition services language and identify needed services during the IEP when the student is 15 years old, so that the plan is in effect when the student turns 16. However, it may be appropriate for many students to begin discussing the connection between school and careers as early as elementary school. For other students it may be appropriate to include transition services language in the IEP during middle school or when the student moves from middle to high school in order to identify appropriate courses of study that support the student's post-school goals.

Question: What are **measurable postsecondary goals**?

Answer: The IDEA '04 adds a new requirement for transition services language in the IEP, the development of measurable postsecondary goals based on age-appropriate transition assessments. The IEP for students 16 years old or younger, if appropriate, must contain: (aa) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and,

where appropriate, independent living skills; (bb) the transition services (including courses of study) needed to assist the child in reaching those goals. [Section 614(d) (1) (A) (i) (VIII)]

What It Means: The use of the term “goal” to describe both what students want to happen once they leave school and also to describe what schools must do to help students achieve their long term objectives can be confusing. The IDEA '04 requires transition services language in the IEP to include postsecondary goals, or the student's aspirations for his or her future. The IDEA '04 also requires annual goals in the IEP to help students achieve their goals for the future. Annual, measurable goals in the IEP should be written each year to help the student achieve his or her post-school goals. The e annual goals must be designed and reasonably calculated to assist students to achieve their long-term goals and must be included in the IEP no later than the student's sixteenth birthday, or earlier if appropriate. The postsecondary goal is what the student wants for his or her future in terms of higher education, training, employment, and independent living. The annual, measurable goals in the IEP are what schools will do to help the student in high school, or earlier if appropriate, to achieve long-term goals. The annual goals must be based on age-appropriate transition assessments in the areas of training, education, and, if appropriate, independent living. They must also support the student's postsecondary or long-term goals for the future. (Samples of measurable annual goals that support postsecondary goals in the area of employment, education or training, or independent living are included in Appendix F, page 140.) Additionally, the transition services language must include any needed transition services, including a course of study that a student may need to accomplish his or her post-school goals. Some examples of needed transition services may include participation in career exploration and preparation experiences, career guidance counseling, and establishing connections with adult service providers. Samples of statements of needed transition services are included in Section 2.

Question: Do measurable transition goals repeat measurable annual academic and functional goals?

Answer: The IDEA '04 does not require that transition services language in the IEP repeat what was already addressed in another section of the IEP: (ii) RULE OF CONSTRUCTION. — Nothing in this section shall be construed to require— (I) that additional information be included in a child's IEP beyond what is explicitly required in this section; and (II) the IEP Team to include information under 1 component of a child's IEP that is already contained under another component of such IEP. [Section 614(d) (1) (A)]

What It Means: If academic and functional achievement goals are developed in another section of the IEP, it is not necessary to repeat them again. Likewise, if the student's courses of study are described in another section of the IEP, it is not necessary to repeat them again. What should be included are measurable goals that will support the

student's post-school success. Examples of measurable transition goals are included in Section 2, pages 36–39.

Question: Is a new evaluation necessary when the student leaves school?

Answer: If a student's eligibility is discontinued because of graduation with a general diploma, not a certificate; or when a student reaches the age of 22, a new evaluation is not required: (B)

EXCEPTION.— (i) IN GENERAL.—The evaluation described in subparagraph (A) shall not be required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education under State law. [Section 614(c) (5)]

What It Means: The IDEA '04 does not require an assessment or evaluation when the student leaves school either by earning a general diploma or “aging out” of eligibility. However, the IDEA 2004 adds the requirement that, upon exit from school, either by graduation with a general diploma or “aging out” of eligibility, the school will provide the student with a Summary of Performance that will assist the student in reaching his or her post-school goals.

Question: What is a “summary of academic achievement and functional performance”?

Answer: The Summary of Performance is a new requirement in the IDEA '04. The summary is prepared by the school and provided to the student when he/she leaves school, either by graduating with a general diploma or reaching the age of 22. The summary will offer the student a document that summarizes his or her academic and functional performance with recommendations about what accommodations and supports the student may need to enter post-school activities, such as training, higher education, employment, and independent living. (ii)

SUMMARY OF PERFORMANCE. — For a child whose eligibility under this part terminates under circumstances described in clause (i), a local education agency shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.[Section 614(c) (5) (B)]

What It Means: The Summary of Performance is not a new section of the IEP or a new evaluation. The summary of academic achievement and functional performance details existing achievement data and provides recommendations about the supports and services students will need to achieve their post-school goals. Best practices involve the student in the preparation of the summary and include the student's goals for the future. At a minimum, the student's academic and functional levels are listed, along with recommendations for the supports the student will need in post-school activities. Education agencies are required to provide students with disabilities with a Summary of Performance upon exit from school.

Question: Are local education agencies still required to inform students about their rights upon reaching the **age of majority**?

Answer: Yes, the IDEA '04 continues the requirement of notifying the student and family that

educational rights convert to the student upon reaching the age of majority, which is 18 years old in California: (cc) beginning not later than 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m). [Section 614(d) (1) (A) (i) (VIII), emphasis added]

What It Means: No later than age 17, the student and family must be informed that, upon reaching the age of 18, educational rights are given to the student. This means that the student and not the parent will give consent to educational decisions, including placement and services, and sign all educational documents, including the IEP. Best practices will continue to involve the family in all discussions and decisions; but upon reaching the age of majority, final decisions are the student's right. This may be challenging for families of students with significant cognitive disabilities; however, in California, the only avenue for families to retain educational rights for their sons or daughters is through a legal process called conservatorship. Obtaining conservatorship is the responsibility of the family, not the educational agency. An explanation of this process and resources for families is included in Section 4, Family Involvement, page 59.

CHAPTER 9 - SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

9.1 Suspension

Contact your program specialist with any questions. Procedures listed for general education students shall also apply to the suspension of individuals with exceptional needs.

9.1.A Definition

A student with previously identified exceptional needs is defined as “an individual with disabilities pursuant to the Individuals with Disabilities Education Act.” In other words, any student with an active IEP, or a student who, because of his/her disability, is eligible for special education services must be considered as an individual with disabilities, or a student with exceptional needs. Such a student would be entitled to the procedural safeguards described in this section.

9.1.B Duration

Students with exceptional needs may be suspended for up to 5 days for a single incident of misconduct. If the student is recommended for expulsion, this suspension can be extended pending the expulsion hearing. However, manifestation determination and functional behavioral assessment procedures must be followed. Student must also be provided educational services after the 10th cumulative day of suspension in the school year.

Following the procedures outlined below (manifestation determination and functional behavioral assessments), students with disabilities under the IDEA may be suspended beyond 10 cumulative days for up to 20 days in a school year, unless, for adjustment purposes, a student, through the IEP team, is transferred to, or enrolled in, another school, an opportunity class, or the continuation education school. The days of suspension following such reassignment are limited to 10 additional days for a total of 30 days of suspension in one school year. Students may not be suspended at the end of a school year for a time period that extends into the beginning of the following school year.

9.1.C Procedures Based on Cumulative Days of Suspension/change in Placement

No special procedures are required to suspend a student up to 10 cumulative days of suspension.

Federal regulations state, however, that the cumulative days of suspension cannot exceed 10 school days and would be a “change in placement” requiring an IEP team meeting if the removal is for more than 10 consecutive days, or the student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a

school year and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another or same type of infraction.

9.1.D Manifestation Determination

In Folsom Cordova Unified School District, a manifestation determination is required only when a student is suspended for more than 10 cumulative days in a school year.

9.1.E Manifestation Determination Process

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent and relevant members of the child's IEP team (as determined by the LEA and parent must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the misconduct is a manifestation of the child's disability.

In FCUSD, the school psychologist will review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents and makes a recommendation regarding whether the misconduct is a manifestation of the student's disability. A summary report of findings will be completed referencing all the sources. If the psychologist feels that additional assessments must be completed in order to complete this manifestation report, an assessment plan must be signed by the parent. If the parent refuses consent to an assessment which the school psychologist feels is necessary, refer the issue to Director of the SELPA.

A FCUSD IEP Manifestation Determination Finding form must be completed to document the review and team's determination.

The team determines:

1. If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or
2. If the conduct in question was the direct result of the school or district's failure to implement the IEP.

If the answer to 1 or 2 is yes, then the conduct shall be determined to be a manifestation of the student's disability.

****If it is determined that the misconduct is not a manifestation of the student's disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities as long as they receive FAPE following 10 cumulative days of suspension in the school year. The placement of services is to be determined by the IEP team and documented on the face sheet as well as conference notes of the manifestation IEP.**

9.1.F Determination that the behavior was a Manifestation/Functional Behavioral

Assessment:

If the LEA, the parent, and the relevant members of the IEP team determine that the misconduct was a manifestation of the IEP must:

1. Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavior assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child or
2. a behavior intervention plan had been developed, review, and modify it as necessary to address the behavior; and
3. Return the student to the placement from which the student was removed, unless the parent and school or district agree to a change in placement as part of the modification of the behavioral intervention plan.

9.1.G Due Process

Case by case determination

School administration may consider any unique circumstances on a case by case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

Procedural protections regarding a “Change in Placement”

When suspensions constitute a “change in placement,” the student and his or her parent or guardian is entitled to procedural protections. (See definition on previous page.)

These protections include:

1. Appropriate notice to parents or guardians
2. An opportunity to examine the student’s records
3. A due process hearing with the participation of parents or guardians which may include representation by counsel and a review of procedure. Thus, if, after a Manifestation Determination and FBA, the parents disagree with the determination regarding the relationship of the behavior to their disability, or with the placement proposal, they may request a due process hearing.

In addition, if the local educational agency believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others, the district may request a hearing.

Placement during appeals

When an appeal has been requested of the Hearing Office by the district or the parents:

1. The student will remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period designated in (** above) which may be 45 school days or the suspension period as applicable to general education students, unless the parent and district agree otherwise, and
2. The hearing office shall arrange for an expedited hearing which shall occur within 20 school days of the date the hearing is requested, and shall result in a determination within 10 school days after the hearing.

Previously Unidentified Students

A pupil not previously identified as a student with disabilities under the IDEA who violates a behavior rule may claim protection as provided to individuals identified with exceptional needs if there was knowledge that the pupil had a disability before the behavior violation occurred.

Knowledge arises when:

1. The parent has expressed concern in writing to supervisory or administrative personnel or a teacher of the student that the student is in need of special education and related services.
2. The parent or the student has requested an evaluation of the student.
3. The teacher or other school personnel has expressed specific concerns about the student's behavior and/or performance. The concern must be expressed in accordance with the district's established special education referral process, to supervisory personnel of the school or district.

If a parent /guardian indicates they believe their student should have been previously identified, contact the Program Coordinator, Student Support Services, for assistance. If

the parent requests an evaluation for a student who has not been assessed recently and found ineligible, the evaluation shall be conducted in an expedited manner. If the student is found to be a student with a disability, the student will receive special education services as determined by the IEP team.

A public agency is not deemed to have knowledge when:

1. The agency conducted a special education evaluation and determined the student was not a student with a disability under the IDEA, or
2. The parent has not allowed an initial evaluation of the student or has refused initial services after an initial evaluation.

If there was no prior knowledge, disciplinary measures can be applied as to all general education pupils.

Suspension from School Bus Transportation

If a student with exceptional needs is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or parent/guardian, provided transportation is specified in the student's IEP. The Secondary Program Coordinator and Transportation should be contacted to determine an alternate form of transportation. Alternative forms of transportation may include parent reimbursement for transporting their child to and from school, with parent consent, and a county bus pass if age appropriate.

When Such Misconduct Occurs, the Principal Should:

1. Confirm that a weapon and/or an illegal drug or controlled substance or resultant serious bodily injury was involved in the misconduct.
2. Notify the parent/guardian of the misconduct, the need to suspend the student, and the Interim alternative Education placement. Parents must be provided with a copy of their procedural safeguards notice with the suspension notice.
3. Contact Student Services to request a recommendation of an Interim Alternative Educational Setting.
4. Availability of space in either Diablo Day or Home/Hospital must be determined by contacting the Director of Alternative Education prior to the IEP team meeting.
5. Notify the school psychologist to complete a summary report of findings or a review of the records.
6. Schedule the IEP team meeting with the parent/guardian and the administrator of the proposed Interim Alternative Education Setting. The parent/guardian should be given reasonable notice and the IEP team should meet before the end of the 5 day suspension and in no case later than 10 school days after the decision to suspend for more than 10 cumulative days in the school year.
7. Conduct the IEP. The principal should:
 - a. Follow standard protocol for conducting an IEP.
 - b. Confirm the nature of the student's offense with the student and parent/guardian(s).
 - c. Conduct a manifestation determination.
 - d. Contact the Director of Student Support Services and the ADP department to determine the Interim Alternative Education Setting.
 - e. Review the student's Behavior Support Plan or Positive Behavioral Intervention Plan. If none exists, develop a Behavior Support Plan or develop an assessment plan to complete a Functional Behavior Assessment or a Functional Analysis Assessment.
 - f. Include in the IEP services and/or modifications designed to prevent the misconduct from recurring.

- g. Complete an IEP face sheet to document the placement and services for the 45 school day period.
 - h. At the time schedule the next IEP to be held before the end of the 45 school day period to determine a new placement or return the student to the previous placement.
 - i. Direct the parent/guardian to complete registration at the Interim Alternative Education Setting to enroll the student at a designated time.
 - j. Complete the Special Education Transportation Request Form, if needed.
- 8. Expulsion timelines are not changed as the result of a 45 school day placement. Refer to Expulsion section of FCUSD Student Conduct, Welfare, and Discipline manual for applicable timelines for TRO (Temporary Restraining Order) – still need to prove student a danger.

9.2 Suspension of Students With Disabilities Under the IDEA

Student commits offense listed in Education Code sections 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (c)

The student may be suspended for up to 5 consecutive school days for a single offense.

The student must receive FAPE after 10 cumulative days. FAPE may be provided in an alternative educational setting. The alternative services and setting are determined by the

IEP team and documented on the face sheet and conference notes. The student may not be suspended for more than 20 consecutive school days in one school year, unless for adjustment purposes, they are transferred to another school. If so, they may be suspended for 30 cumulative days in a school year. When cumulative suspensions total less than 10 days in a school year: no special procedures are required to suspend a student up to 10 cumulative days of suspension.

When suspensions exceed 10 cumulative days in a school year:

The IEP team must meet to complete a manifestation determination within 10 school days of each decision to go beyond 10 cumulative days. If it is determined that the misconduct was a manifestation of the student's disability, the IEP team shall conduct a FBA and implement or modify a BSP or PBIP. The student should be returned to school unless, under special circumstances, the parent and district agree to a change in placement as part of the modification of the BSP or PBIP.

If it is determined that the misconduct was not a manifestation of the student's disability, the student may be excluded from school in the same manner as general education students as long as they receive FAPE following the 10th cumulative day. The IEP team determines the location the services will be provided.

9.3 Expulsion of Students With Disabilities Under IDEA

9.3.A Definition

A student with previously identified exceptional needs is defined as “an individual with disabilities pursuant to the Individuals with Disabilities Education Act.” In other words, any student with an active IEP, or a student who, because of his/her disability, is eligible for special education services must be considered as an individual with disabilities, or a student with exceptional needs. Such a student would be entitled to the procedural safeguards described in this section.

9.3.B Procedural Safeguards/IDEA 2007

When determining any course of discipline with a student with disabilities under the IDEA, administrators must follow the procedural safeguards that exist in federal (Individual with Disabilities Education Improvement Act, 2007) and state law. Violation of these procedural safeguards constitute a violation of the student’s civil rights and may serve as grounds for the discipline being disallowed. Students with exceptional needs can be disciplined, but administrators must follow identified procedures when determining disciplinary action.

The following pre-expulsion procedure shall be used when a student with exceptional needs commits an offense for which student expulsion is considered.

9.3.C Previously Unidentified Students

A pupil not previously identified as a student with disabilities under the IDEA who violates a behavior rule may claim protection as provided to individuals identified with exceptional **needs if there was knowledge that the student had a disability** before the behavior violation occurred.

9.3.D Knowledge Arises When:

1. The parent has expressed concern in writing to supervisory or administrative personnel or a teacher of the students that the student is in need of special education and related services.
2. The parent of the student has requested an evaluation of the student.
3. The **teacher** or other school personnel expressed specific concerns about a pattern of the student’s behavior and/or performance. The concern must be expressed in accordance with the district’s established special education referral process, to supervisory personnel of the school or district.

9.3.E A public agency is not deemed to have knowledge when:

1. The agency conducted a special education evaluation and determined the student was not a student with a disability under the IDEA, or
2. The parent has not allowed an initial evaluation of the student or has refused initial services after an initial evaluation.

If there was no prior knowledge, disciplinary measures can be applied as to all general education pupils.

If a parent/guardian indicates they believe their student should have been previously identified, contact the Director, Student Support Services for assistance.

If the parent requests an evaluation for a student who has not been assessed recently and found ineligible, the evaluation shall be conducted in an expedited manner. If the student is found to be a student with a disability, the student will receive special education services as determined by the IEP team.

9.2.F Procedures to Follow for Manifestation and Functional Behavioral Assessments and IEP meeting

1. Suspension

Procedures listed in the Suspension of Students with Disabilities section of the Student Conduct, Welfare and Discipline manual apply.

1. Principal's Conference

Must be held within five school days from the first day of the student's suspension. Not the sixth day. Procedures listed in the Principal's Conference/Expulsion section of the Student Conduct, Welfare and Discipline manual apply. The principal must recommend expulsion for the pre-expulsion process described below to proceed.

The expulsion hearing shall not be conducted until after completion of:

1. The Psychologist Manifestation Determination Report, and
2. The IEP team meeting to make the manifestation determination.

9.3.G Manifestation Determination and Functional Behavioral Assessment

If school administration seeks to order a change in placement that would exceed 10 cumulative school days (i.e. place the student up for an expulsion hearing) and the behavior that gave rise to the violation is determined **not** to be a manifestation of the student's disability:

1. The relevant disciplinary procedures applicable to students with disabilities may be applied in the same manner and for the same duration in which the procedures would be applied to students without disabilities except that the students must receive education in a setting that provides FAPE. This may be provided in an alternative educational setting.
2. FAPE means the student is to continue to participate in the general curriculum and progress towards meeting the goals set out in the student's IEP, and receive services according to the behavior support plan or positive behavioral intervention plan.
3. The alternative services and setting are determined by the IEP team and documented on the face sheet and conference notes. If the parent disagrees with the IEP team determination, the parent may challenge this in a due process hearing. During the pendency of the due process hearing, the student remains in the alternative setting.

9.3.H Scheduling the IEP

Following the principal's conference to recommend expulsion a manifestation determination IEP team meeting shall be held no later than 10 school days from the first day of suspension or days from the first day of the suspension. If the manifestation determination IEP team meeting is held after the 10th day, the recommendation for expulsion may be nullified. A BSP or PBIP must also be completed at this time.

9.3.I Psychologist Manifestation Determination Report

In FCUSD, the school psychologist will review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents and make a recommendation regarding whether the misconduct is a manifestation of the student's disability. A summary report of findings will be completed referencing all the sources. If the psychologist feels that additional assessments must be completed in order to complete this manifestation report, an assessment plan must be signed by the parent. If the parent refuses consent to an assessment which the school psychologist feels is necessary, refer the issue to Director of Student Support Services. After the initial manifestation determination report, a report will be written for each subsequent event that leads to a suspension beyond 10 cumulative days in a school year.

9.3.J Manifestation Determination IEP Team Meeting

As a first step in the manifestation determination process, the school and parent must determine the relevant members of the IEP team who should attend the IEP team meeting. The IEP team shall review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents, as well as the psychologist summary of findings to determine whether the misconduct is a manifestation of the student's disability.

An FCUSD IEP Manifestation Determination Finding form must be completed to document the review and team's determination.

The team determines:

1. If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or
2. If the conduct in question was the **direct result** of the school or district's failure to implement the IEP.

If the answer to 1 or 2 is yes, then the conduct shall be determined to be a manifestation of the student's disability.

****If it is determined that the misconduct is not a manifestation of the student's disability, the student may be excluded from school in the same manner as are similarly-situated students who do not have disabilities as long as they receive FAPE as described above.**

9.3.K Determination that the Behavior was a Manifestation:

If it is determined that the misconduct was a manifestation of the student's disability, the student should be allowed to return to school and the IEP team shall:

1. Conduct a functional behavioral assessment and implement a BSP or PBIP, or
2. Modify a previously developed BSP or PBIP, as necessary, to address the specific behavior
3. Return the student to the placement from which the student was removed, unless the parent and school or district agree to change in placement as part of the modification of the BSP or PBIP.

The FCUSD Manifestation Determination Finding form should be used to document the IEP team's determination with regard to these questions.

9.3.L Special Circumstances – Interim Alternative Setting

1. If the IEP team determines the student's action is a manifestation of his disability or after placing the student in an interim alternative setting for not more than 45 school days for misconduct involving a weapon or drugs or serious bodily injury:
2. The student shall continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, even if in an alternative setting, and to progress toward meeting the goals set out in the student's IEP.
3. If the student does not have a Behavior Support Plan (BSP) or Positive Behavior Intervention Plan (PBIP), the IEP team meeting shall conduct a functional behavioral

assessment (FBS) and develop a BSP or PBIP designed to address the behavior violation so that it does not reoccur.

If the student has a BSP or PBIP, the IEP team must review the plan as necessary and make changes designed to address the behavior violation so that it does not reoccur.

9.3.M Placement During the Expulsion Process

1. If the IEP team determines that the student is subject to expulsion, the IEP team shall determine an interim placement for the student pending the expulsion hearing. For weapon
2. or drug violations, or serious bodily injury upon another person, refer to next section on 45 School Day Interim Alternative Education Setting.
3. The interim placement is determined by the IEP team. Two district options for the interim placement include the Home/Hospital Program and the Mather Youth Academy or Opportunity program. Availability of space must be determined by contacting the Director of Student Support Services and ADP prior to the IEP team meeting. A representative from the proposed interim placement programs must be in attendance.
4. If the parent disagrees with the IEP team determination, the parent may challenge this in a due process hearing. During the pendency of the due process hearing, the student remains in the alternative setting.

Note: When giving consideration for temporary placement during a manifestation IEP meeting, the team must first involve and receive preauthorization from the program being considered for placement a minimum of one day prior to the IEP meeting. All questions regarding this procedure should be directed to Student Services. If a representative of the program being considered is not available, it is appropriate to make a phone call to the Director of Student Support Services or ADP.

9.3.N Expulsion Process following Manifestation Determination IEP and/or

Administrative Hearing Panel

1. If the recommendation for expulsion continues following the Manifestation
2. Determination IEP meeting, the Director, Student Support Services should be notified immediately.
3. If the recommendation for expulsion is denied by the administrative hearing
4. panel or FCUSD Board of Education, an IEP team meeting must be convened as soon as possible by the home school with the interim placement program in attendance to determine the educational placement of the student. During this period, the student remains in the interim placement. If the administrative hearing

panel or associate superintendent has recommended administrative transfer to another school, a representative of the proposed school must be in attendance. Staff should not be encouraged to expect that the student will attend a different school.

- a. Parent consent is required for change in placement.
5. If the recommendation for expulsion is approved by the administrative hearing panel, the home school must pre-schedule an IEP meeting to be held within one week after the School Board ratifies or denies the expulsion, as stated in number 15 below.

9.3.O Placement During Period of Expulsion

1. If the student is expelled by the Board of Education, an IEP team meeting is held as soon as possible to determine and document the placement of the student during the expulsion period.
2. This IEP will involve representatives of the student's home school, the program specialist, the case manager/Education specialist, a representative of the program providing interim services, and a representative of the proposed placement during the period of expulsion.
3. The period of the expulsion placement must be noted in the student's IEP.
4. The expulsion placement is not a long term placement.
5. All annual and 3-year information must be updated if due within 6 months.

9.3.P Re-admission Following Period of Expulsion

1. 20. No later than two weeks prior to the end of the expulsion period, a Readmission Hearing is scheduled to determine if the student has met the terms of his/her rehabilitation plan.
2. 21. If the student is readmitted to the District, an IEP team meeting is held at the conclusion of the Readmission Hearing to determine the new placement.
3. 22. If the student is denied readmission and the Board recommends an alternative educational program, an IEP meeting is held to address the new placement recommendation.
4. 23. These IEPs will be scheduled by the student's home school. In attendance should be representatives from the home school, the program specialist, and the program providing interim services. Representatives from the school(s) where the student may be placed should also attend. The IEP team must include an administrator, a general and special education teacher, and parents must be invited.

9.3 45-Day Interim Alternative Education Setting for Weapon/Drug/Serious Bodily Injury Violations

If a student with disabilities under the IDEA, while at school, on school premises, or at a school function,

1. Carries a weapon or possess a weapon
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of controlled substances, or
3. Inflicts serious bodily injury upon another person, Student Support Services has the authority to place the student in an Interim Alternative Education Setting for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability.

9.4 Additional Forms to Be Used for the Manifestation Determination Meetings:

Manifestation Determination Form: Found in SEIS under the Future IEP. Functional Behavioral Assessment Summary: Found in SEIS in the Document Library. Behavior Intervention Plan: Found in SEIS under the Future IEP.

CHAPTER 10 – EDUCATIONAL REPRESENTATIVES FOR FOSTER YOUTH SURROGATE PARENT PROCEDURES

10.1 Basic Criteria for Appointing A Surrogate Parent or Educational Representatives for Foster Youth

The Surrogate Parent role on the IEP team is to represent the rights of a student with special needs in all educational matters related to the provision of a free and appropriate public education (FAPE). It is the responsibility of each LEA to ensure that the rights of a child are protected in determining the need for, and assigning, a surrogate parent whenever the child is referred or eligible for special education and either:

1. No parent can be identified;
2. The LEA after reasonable efforts, cannot locate the parent;
3. The child is a ward of the court of the State under the laws of that State;
4. The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act.

10.2 Recruitment of Volunteers

FCUSD will work with community agencies and organizations, both public and private, to secure applicants for the position of surrogate parent volunteer. Student Support Services will coordinate activities of the district in seeking volunteers. Each volunteer interested in the surrogate parent position must complete a surrogate parent application form.

10.3 Screening of Applicants

The following areas must be addressed by Student Support Services in the screening process for the appointment of surrogate parents.

1. The volunteer must have an active interest in the students to be served.
2. The volunteer must have a willingness to learn the requirements of special education.
3. The volunteer must have no criminal background (arrest/conviction) that includes a misdemeanor involving abuse or neglect to others, or contributing to the delinquency of minors, or any felony conviction. Misdemeanor convictions within the past five years will be considered on a case by case basis.
4. The volunteer must have a valid California Drivers License and provide proof of insurance or demonstrate the ability to fulfill all duties of a surrogate parent without needing to drive.
5. The volunteer must be willing to be fingerprinted.
6. The volunteer must not have a conflict of interest, including financial, with the specific student represented, or other interests, including institutional or other biases that might restrict or interfere with his or her ability to advocate for all the services required to

ensure a free appropriate public education for the assigned individual with exceptional needs.

7. The volunteer must not be an employee of an agency that has a direct relationship to the student, e.g., school employees, probation officers, social workers, group home providers, or others who may have a conflict of interest.
8. The volunteer should display sensitivity to the cultural, socio-economic and individual needs of the student served.

10.4 Appointment of Surrogate Parent (Educational) Representative for Foster Youth)

Upon satisfactory completion of the surrogate parent training session and upon passing the district screening process, the surrogate parent volunteer shall be assigned to one or more students, using the following criteria:

1. Cultural and socio-economic sensitivity.
2. Location, based on reasonable travel time for the surrogate parent.
3. Ability to understand and relate to the disability and needs of the student.
4. The interest of the surrogate parent volunteer.

10.5 Training

Prior to assigning a surrogate parent to represent a student, the Parent Liaison will arrange for training for the surrogate parent. Training shall include, but not be limited to, the following topics:

Special Education and Related Services

1. Special Education programs available within the Folsom Cordova Unified School District as well as other educational placement options.
2. Folsom Cordova Unified School District Student Support Services policies and administrative regulations.
3. Federal and State laws and regulations regarding Special Education.
4. Parent and student rights under federal and State Special Education laws and regulations.
5. Surrogate parent responsibilities, including participating in Individualized Education Program (IEP) meetings and suspension/expulsion proceedings for the assigned student.
6. Conflicts of Interest.
7. Visiting with the student's classroom(s) and consulting with the student's teacher(s) and personnel providing related services.

8. Visiting with the student outside the educational environment.
9. Consulting with the student's foster parent(s), group home provider/staff members, or the person(s) with whom the student resides.
10. Ethical concerns, including the responsibility to hold all information regarding the assigned student in confidence.
11. The Community Advisory Committee (CAC) and parent support groups.
12. Child and adult abuse reporting laws.

Training Sessions

Training sessions shall be provided at convenient locations, and shall be scheduled on days and at times that are suited to meet the needs of the surrogate parent volunteers.

The District will develop a post-test interview to be administered to all prospective surrogate parent volunteers following the training session.

The Parent Liaison shall maintain records of the dates surrogate parents received training so that update/review training may be provided biannually for the surrogate parents.

10.6 Access to the Student

The surrogate parent must meet with the student under the supervision of the student's group home provider, foster parent, person with whom the student resides, placing agency representative, or designated school staff. Exceptions to this procedure are made by the Program Specialist.

School personnel shall make every reasonable effort to ensure that the surrogate parent has access to the student as it relates to the student's educational needs.

10.7 Access to Student Records

The surrogate parent retains the same rights as a parent/legal guardian to access student records. He or she must request copies of school records and other records in the same manner that is required by the parent/legal guardian.

Due to the continual need for confidentiality, when a surrogate parent discontinues representing a specific student, he or she must return to the district all copies of the student's records in his or her possession.

10.8 Use of Interim Surrogate Parents

The need for the assignment of an interim surrogate parent exists when:

No parent is immediately available, and the student has been referred for an assessment;
or

The student transfers into Folsom Cordova Unified School District and is provided an interim placement for special education and related services.

The Director shall assign a surrogate parent, within five working days, depending upon the availability of surrogate parents.

The Director shall terminate the services of the interim surrogate parent when/if any of the following exist:

The student, after assessment, is found to be ineligible for special education and/or related services.

The student is determined to be ineligible for the services of a surrogate parent.

A permanent surrogate parent is appointed for the student.

10.9 Evaluation of Surrogate Parents

Evaluations of the surrogate parent shall be performed by the District. Each surrogate parent should be evaluated at least one time per year. Evaluations can be conducted at more frequent intervals, at the discretion of the District, if it is suspected that the surrogate parent is not adequately performing his or her duties.

10.10 Termination of Surrogate Parent Appointment

Only the Parent Liaison may terminate a surrogate parent's appointment. The District shall terminate the appointment of a surrogate parent when:

1. Notice is received from the court that the student is no longer a dependent or ward of the court, under Section 300.601 or 602 of the Welfare and Institutions Code.
2. Notice is received from the court that the right of the parent or legal guardian to make educational decisions for the student, who is a ward, has been reinstated.
3. The student reaches the age of majority, as documented by the district.
4. The student exits from the special education, as documented by an IEP team.
5. The parent or guardian is located/is now available and assumes the responsibility for making educational decisions for the student.
6. The surrogate parent receives an unsatisfactory evaluation, utilizing the district evaluation process, and displays no apparent improvement following the evaluation. Termination, based upon the unsatisfactory evaluation, shall be at the discretion of the Parent Liaison.

7. The surrogate parent is alleged to have committed a misdemeanor involving the abuse or neglect of others or contributing to the delinquency of minors, or any felony.
8. A surrogate parent is found to have a conflict of interest:

If the Parent Liaison determines that a conflict of interest exists, it shall be documented.

The surrogate parent takes action which threatens the safety or well being of the assigned student.

The Parent Liaison shall complete the investigation of the allegations of such no later than 30 days following the original report of the allegations. The District shall determine whether the surrogate parent's appointment should be terminated, based on the results of the investigation. If the Parent Liaison determines that the surrogate parent should be terminated, the Parent Liaison shall notify the surrogate parent within five working days of such decision. Notice of termination shall be by documented phone call or certified mail, with return receipt requested.

The terminated surrogate parent may be granted the right to discuss the termination with the Parent Liaison with the possibility of eventual reinstatement.

A student, whose surrogate parent has been terminated, shall be so notified by the Parent Liaison. A student who remains eligible for the services of a surrogate parent shall be assigned an interim or new surrogate parent within two working days or as soon as possible.

CHAPTER 11 – LOW INCIDENCE PURCHASING

As part of the Local Plan submitted to the State, each SELPA shall describe how specialized books, materials, equipment and services will be distributed within the SELPA. This policy has been developed to provide a summary of legal and local requirements and guidelines for students with low incidence disabilities. In addition to this policy, all requirements outlined under the Annual State Low Incidence Funding Update will be observed.

11.1 Summary of Legal Requirements

Education Code Section 56836.22 provides for funds to purchase “specialized” books, materials and equipment as required under the student’s individualized education program (IEP) for students with low incidence disabilities as defined in Section 56026.5 (hard of hearing, deaf, deaf-blind, visually impairment, or severe orthopedic impairments, or any combination thereof). As a condition of receiving these funds, the SELPA shall ensure that:

1. the appropriate books, materials and equipment are purchased
2. the use of items is coordinated as necessary
3. the books, materials and equipment are reassigned within the SELPA once the student that originally received the items no longer needs them. Special supplies and equipment purchased with State funds are the property of the State and shall be available for use by individuals with exceptional needs throughout the State. The Clearinghouse for Specialized Media and Technology (CSMT) is available to facilitate the distribution of unused materials and equipment.

In addition to the equipment fund, annually, the State Budget Act may appropriate funds which shall be used to provide specialized services to pupils with low incidence disabilities.

11.2 Responsibility

Low Incidence funding is legally the responsibility of the SELPA, including accountability of how the funds are used and reassignment of specialized books, materials and equipment within the SELPA and sharing with other SELPAs. To meet this responsibility, a Low Incidence Committee has been established which is comprised of educators knowledgeable about low incidence disabilities. The Folsom Cordova Unified School District SELPA Low Incidence Committee establishes procedures and guidelines for purchases through the Low Incidence fund.

The Low Incidence Committee may include:

1. Administrator of Related Services
2. Program Specialist
3. Specialist for the visually impaired

4. Specialist for the orthopedically impaired
5. Specialist for the Hard of Hearing or Deaf
6. Speech/Language Pathologist
7. Audiologist
8. Teacher or Specialist knowledgeable in assistive technology

The committee meets monthly to review the requests for Low Incidence funding.

11.3 Eligibility

Funds may be used for all students with the Low Incidence disabilities as defined in law, for primary and secondary eligibilities. Some students counted as having an orthopedic impairment may not be eligible because they do not have a “severe orthopedic impairment” as per the definition of Low Incidence disabilities in Education Code 56026.5. Students who have severe orthopedic impairments require highly specialized services, equipment and materials per Education Code Section 5600.5(b). Education Code Section 56320(g) requires that persons knowledgeable of that disability shall conduct the assessment of a pupil with a suspected low incidence disability. A low incidence disability does not guarantee the use of low incidence funds. The IEP team reviews assessment data and determines the most appropriate items or services needed to address the student’s unique educational needs. These may, or may not be “specialized.” Items, which are found in most classrooms, and would not be acquired through low incidence funds.

11.4 Low Incidence Guidelines

11.4.A Low Incidence Funding (LIF) Parameters

1. Prior to requesting purchase of new equipment the district/program should check other sources such as the Clearinghouse for Specialized Media and Technology for any availability.
2. Low Incidence Funds shall not be used for purchase of non-adapted computers and toys.
3. Requests for individual items that are under \$200.00 should not be submitted for low incidence funding and are program responsibility unless the items comprise parts of a single piece of equipment from the same vendor for an individual student that totals at or above \$200.
4. Equipment purchased with LIF funds is the property of the State of California and is managed by the Folsom Cordova Unified School District.

11.4.B Procedures

1. Determine Eligibility: The IEP team determines eligibility for Low Incidence disability. The Low Incidence eligibility must be documented on the IEP as a primary or secondary disability.
2. Determine Student Needs: The IEP team determines the student's educational needs for item(s) through educational assessment and documentation.
 1. Educational Assessment:

The personnel who assess the student shall prepare a written report, or reports as appropriate, of the results of each assessment. The report shall include, but not be limited to the need for specialized services, materials, and equipment for students with low incidence disabilities.
 2. IEP Documentation: The requirements must be written into the IEP but are not limited to the following:
 1. How the item will assist the student's instruction in accordance with the IEP.
 2. How often the item will be used or is needed.
 3. How the item facilitates participation in the classroom.
 4. Specific projected student outcomes.
 5. Justification statement that is related to the student's unique educational needs as identified in the assessment information.(See IEP Team's Rationale on Request Form)
 6. Assessment, goals and objectives that are correlated to the justification statement of need.
 7. Present level that reflects assessment information and need for support.
 8. Identification of personnel who will provide support to student and will monitor and inventory adapted equipment and FM System (List name & position).

Complete the "Low Incidence Request" Forms:

All current forms for submitting a request to the LIF committee for purchase of, or reimbursement for, equipment are available. A Special Education Administrator must sign the request form. Accurate ordering information is essential, including tax and shipping. Submit to the Special Education accountant, with attached documents noted below.

Attach Current Annual IEP: IEP must be signed and legible. Attach amendment IEPs as appropriate.

Attach all Documentation: Reports from OT, PT, audiologist, VI specialist or speech/language pathologist must be submitted.

11.4.C Cautions:

1. Do not list specific items in the student's IEP using specialized brand names. Goals should be addressed generically. What the IEP must show is that the student has a unique educational need directly related to the low incidence disability and that this need can only be met with specialized books, materials, equipment and services.

Goals need to be written to address the unique educational needs of the student, not the desired items or service.

2. If the Annual IEP goals do not specifically address this educational need, then an amendment IEP with goals that reflect the need for specialized books, materials, and equipment must be written and submitted.
3. There is no guarantee of approval by the Low Incidence Committee. Once specific items are listed on the IEP, the district is ultimately responsible for purchasing the equipment.

11.4.D Low Incidence Committee Approval Process

1. Dates of Review: The Low Incidence Committee will meet monthly to review the Low Incidence requests. All requests will be submitted to the Special Education accountant **one week prior** to the meeting dates.
2. The person submitting the LIF request will receive an approval or denial response after the meeting. Notation of discussion or reason for denial will be made. The committee encourages communication if further information is needed.
3. Purchasing the Low Incidence Item: Once approval is granted, the District Office will process the purchase order. An *inventory or asset tag* must be attached to equipment by designated district personnel to identify equipment as LIF, or the equipment will be marked with permanent marker. An inventory tag number will also be recorded on the P.O. by the Special Education accountant.

11.4.E Student Movement

1. Student Moves Into the SELPA: When a student moves into the LEA with low incidence equipment already purchased for the student in their last placement, it is the responsibility of the LEA of attendance to secure and document that the equipment be transferred. If equipment is sent with the student to a new location within the SELPA, an inventory form should be completed and sent to the SELPA so it can be put into the Low Incidence Inventory database, which will be maintained by the SSS accountant.
2. Student moves out of District: Per the California Department of Education statutes: "if the books, materials and equipment are still needed by other students with low incidence disabilities in your SELPA, there is no requirement to send it with the student who moved. Providing these resources is the responsibility of the SELPA where the student now resides. If, however, books, materials and equipment purchased with low incidence funds are unused, SELPAs are encouraged to make arrangements with other SELPAs to share the unused equipment, books and materials. The California Department of Education may be contacted for assistance in locating another SELPA that has need of the unused equipment, books or materials."

3. Student graduates from high school: A graduating high school student who has a low incidence disability cannot use the specialized equipment purchased for him by his SELPA through low incidence funds in college. To do so would be a gift of public funds which is a violation of law. Pursuant to Education Code 56822 "Books, materials and equipment purchased with low incidence funds remain the property of the state. Since the student has graduated from high school, he is no longer eligible to received special education services from your SELPA. If your SELPA no longer has use for the books, equipment or materials the California Department of Education should be notified so that we can find another SELPA that has need of these resources. If the student needs similar equipment upon graduating or aging out, he/she should contact the Department of Rehabilitation or ALTA Regional Center.

11.4.F Equipment

1. Item No Longer Needed: If the item(s) has been purchased for one student and is no longer being used by that student, the item can be reassigned to another student who is LI eligible. The IEP for that student must indicate the need for LI equipment. **Use Transfer of Low Incidence Equipment/Materials form.** Notify the Special Education accountant of any action taken with LIF equipment.
2. IEP teams may want to recommend a trial basis on a piece of equipment. This can be accomplished through a lease agreement with the vendor prior to purchase.

11.4.G Management Information Documentation

An IEP team member will ensure that the student is listed with a Low Incidence disability on the MIS (currently SEIS).

11.4.H Definition of Low Incidence Disabilities

Visual Impairment

To be eligible for special education, a "pupil has a visual impairment which, even with correction, adversely affects a pupil's educational performance."

When an assessment of a student with a visual impairment determines that he or she has educational needs that cannot be met without special education and related services, the student is provided with instruction, specialized services and materials and equipment in accordance with his or individualized education program (IEP).

The term *visual impairment* includes, for educational purposes:

1. Students who have functional blindness (who rely basically on senses other than vision as their major channels for learning).

2. Students with low vision (who use vision as a major channel for learning).
3. A visual impairment that does not include perceptual or visual motor dysfunction resulting solely from a learning disability.

Severe Orthopedic Impairment

The term orthopedic impairment includes those impairments caused by congenital anomalies, diseases, and other conditions.

Conditions resulting in severe orthopedic impairments include, but are not limited to: cerebral palsy, muscular dystrophy, spinal bifida, spinal cord injuries, head traumas, juvenile rheumatoid arthritis, and tumors.

1. These conditions may improve, remain stable, or deteriorate; and changes in characteristics may occur at varying rates.
2. A severe orthopedic impairment is persistent and significantly restricts an individual's normal physical development, movement, and activities of daily living.

As a result, this impairment may affect the pupil's educational performance. Accompanying sensory, intellectual, behavioral, learning, and medical problems often occur that may affect the pupil's school performance.

Hearing Impairment

The student with a hearing impairment is one whose hearing loss adversely affects his or her developmental growth or educational performance, or both, to such an extent that special education and related services are required. Hearing impairment is defined as an impairment which is permanent that adversely affect an individual's:

1. Expressive and/or receptive communication.
2. Developmental growth, and or educational performance and makes it difficult, but does not preclude, the processing for linguistic information through hearing, with or without amplification.

11.5 Committee Guidelines

LIF Equipment Fund

Documentation needed:

Appropriate required documents (see forms) submitted including current assessment/screening report by specialist knowledgeable in the specific Low Incidence disability with recommendation for equipment.

A. Equipment Covered:

Equipment must meet the unique needs of the student and be adaptive and specialized

LIF Service Fund

A. Documentation needed:

Appropriate required documents (see forms) submitted including current assessment/screening report by specialist knowledgeable in the specific Low Incidence disability with recommendation for services

B. Services Covered:

1. Repair of audiological equipment
2. Direct services to the LIF student such as interpreters, note takers, readers, transcribers, and others in accordance with Ed.Code Section 56026.5
3. Warranty renewal
4. Replacement of batteries on previously purchased LIF equipment

California Rules and Regulations Related to Low Incidence Handicaps

Meeting the Needs of Low Incidence Students

30 EC 5600.5

(a) The Legislature finds and declares that:

(1) Pupils with low incidence disabilities, as a group, make up less than 1 percent of the total statewide enrollment for kindergarten through grade 12.

(2) Pupils with low incidence disabilities require highly specialized services, equipment, and materials.

Qualified Staff

30 EC 56001. It is the intent of the Legislature that special education programs provide all of the following:

(n) Appropriate qualified staff are employed, consistent with credentialing requirements, to fulfill the responsibilities of the local plan and positive efforts are made to employ qualified disabled individuals.

Definition of Low Incidence Disability

30 EC 56026.5. "Low incidence disability" means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in

kindergarten through grade 12. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof. For purposes of this definition, vision impairments do not include disabilities within the function of vision specified in Section 56338.

Special Education Program Options

30 EC 56031. Special education provides a full continuum of program options to meet the educational and service needs of individuals with exceptional needs in the least restrictive environment.

Guidelines, Technical Assistance, and Monitoring

30 EC 56136. The superintendent shall develop guidelines for each low incidence disability area and provide technical assistance to parents, teachers, and administrators regarding the implementation of the guidelines. The guidelines shall clarify the identification, assessment, and planning of, and the provision of, specialized services to pupils with low incidence disabilities.

The superintendent shall consider the guidelines when monitoring programs serving pupils with low incidence disabilities pursuant to Section 56825. The adopted guidelines shall be promulgated for the purpose of establishing recommended guidelines and shall not operate to impose minimum state requirements.

Directories of Public and Private Agencies

30 EC 56137. The superintendent shall develop, update every other year, and disseminate directories of public and private agencies providing services to pupils with low incidence disabilities. The directories shall be made available as reference directories to parents, teachers, and administrators. The directories shall include, but need not be limited to, the following information:

- 2(a) A description of each agency providing services and program options within each disability area.
- (b) The specialized services and program options provided, including infant and preschool programs.
- (c) The number of credentialed and certificated staff providing specialized services.
- (d) The names, addresses, and telephone numbers of agency administrators or other individuals responsible for the programs.

Compliance Assurances/Description and Services

30 EC 56200. Each local plan submitted to the superintendent under this part shall contain all the following:

(a) Compliance assurances, including general compliance with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), and this part.

(b) A description of services to be provided by each district and county office. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.

Local Plan Agreements

30 EC 56220. In addition to the provisions required to be included in the local plan pursuant to Section 56200, each special education local plan area that submits a local plan pursuant to subdivision (b) of Section 56170 and each county office that submits a local plan pursuant to subdivision (c) of Section 56170 shall develop written agreements to be entered into by entities participating in the plan. The agreements need not be submitted to the superintendent. These agreements shall include, but not be limited to, the following:

(a) A coordinated identification, referral, and placement system (commencing with Section 56300).

(b) Procedural safeguards (commencing with Section 56500).

(c) Regionalized services to local programs, including, but not limited to, all the following:

(1) Program specialist service pursuant to Section 56368.

(2) Personnel development, including training for staff, parents, and members of the community advisory committee pursuant to Article 3 (commencing with Section 56240).

(3) Evaluation (commencing with Section 56600).

(4) Data collection and development of management information systems.

(5) Curriculum development.

(6) Provision for ongoing review of programs conducted, and procedures utilized, under the local plan, and a mechanism for correcting any identified problem.

(d) A description of the process for coordinating services with other local public agencies which are funded to serve individuals with exceptional needs.

(e) A description of the process for coordinating and providing services to individuals with exceptional needs placed in public hospitals, proprietary hospitals, and other residential medical facilities (commencing with Section 56167)

(f) A description of the process for coordinating and providing services to individuals with exceptional needs placed in licensed children's institutions and foster family homes (commencing with Section 56155)

(g) A description of the process for coordinating and providing services to individuals with exceptional needs placed in juvenile court schools or county community schools pursuant to Section 56150.

30 EC 56221

(a) Each entity providing special education under this part shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to subdivision (b) or (c) of Section 56170, or Section 56220. The policies need not be submitted to the superintendent.

(b) Such policies shall include, but not be limited to, all of the following:

(5) Transportation, where appropriate, which describes how special education transportation is coordinated with regular home-to-school transportation. The policy shall set forth criteria for meeting the transportation needs of special education pupils.

Staff Development

30 EC 56240. Staff development programs shall be provided for regular and special education teachers, administrators, certificated and classified employees, volunteers, community advisory committee members and, as appropriate, members of the district and county governing boards.

The programs shall be coordinated with other staff development programs in the district, special education local plan area, or county office, including school level staff development programs authorized by state and federal law.

Identification and Referral

30 EC 56300. Each district, special education local plan area, or county office shall actively and systematically seek out all individuals with exceptional needs, ages 0 through 21 years, including children not enrolled in public school programs, who reside in the district or are under the jurisdiction of a special education local plan area or a county office. 56301. Each district, special education local plan area, or county office shall establish written policies and procedures for a continuous child-find system which addresses the relationships among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment. The policies and procedures shall include, but need not be limited to, written notification of all parents of their rights under this chapter, and the procedure for initiating a referral for assessment to identify individuals with exceptional needs. 56302. Each district, special education local plan area, or county office shall provide for the identification and assessment of an individual's exceptional needs, and the planning of an instructional program to best meet the assessed needs. Identification procedures shall include systematic methods of

utilizing referrals of pupils from teachers, parents, agencies, appropriate professional persons, and from other members of the public. Identification procedures shall be coordinated with school site procedures for referral of pupils with needs that cannot be met with modification of the regular instructional program. 30 EC 56303. A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.

Educational Needs; Requirements

30 EC 56320. Before any action is taken with respect to the initial placement of an individual with exceptional needs in special education instruction, an individual assessment of the pupil's educational needs shall be conducted, by qualified persons, in accordance with requirements including, but not limited to, all the following:

(a) Testing and assessment materials and procedures used for the purposes of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally, or sexually discriminatory.

(b) Tests and other assessment materials meet all the following requirements:

(1) Are provided and administered in the pupil's primary language or other mode of communication, unless the assessment plan indicates reasons why this provision and administration are not clearly feasible.

(2) Have been validated for the specific purpose for which they are used.

(3) Are administered by trained personnel in conformance with the instructions provided by the producer of the tests and other assessment materials, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.

(c) Tests and other assessment materials include those tailored to assess specific area of educational need and not merely those which are designed to provide a single general intelligence quotient.

(d) Tests are selected and administered to best ensure that when a test administered to a pupil with impaired sensory, manual, or speaking skills produces test results that accurately reflect the pupil's aptitude, achievement level, or any other factors the test purports to measure and not the pupil's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.

(e) No single procedure is used as the sole criterion for determining an appropriate educational program for an individual with exceptional needs.

(f) The pupil is assessed in all areas related to the suspected disability including, where appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general ability, academic performance, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional

status. A developmental history is obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Section 56136.

Persons Conducting the Assessment

30 EC 56320.

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

Assessment Results; Report

30 EC 56327. The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following:

- (a) Whether the pupil may need special education and related services.
- (b) The basis for making the determination.
- (c) The relevant behavior noted during the observation of the pupil in an appropriate setting.
- (d) The relationship of that behavior to the pupil's academic and social functioning.
- (e) The educationally relevant health and development, and medical findings, if any.
- (f) For pupils with learning disabilities whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.
- (g) A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
- (h) The need for specialized services, materials, and equipment for pupils with low incidence disabilities, consistent with guidelines established pursuant to Section 56136.

Individualized Education Program

30 EC 56345.

- (a) When appropriate, the individualized education program shall also include, but not be limited to:
 - (1) For pupils with low incidence disabilities, specialized services, materials, and equipment, consistent with guidelines established pursuant to Section 56136.

Designated Instruction and Services

30 EC 56363

(a) Designated instruction and services as specified in the individualized education program shall be available when the instruction and services are necessary for the pupil to benefit educationally from his or her instructional program. The instruction and services shall be provided by the regular class teacher, the special class teacher, or the resource specialist if the teacher or specialist is competent to provide such instruction and services and if the provision of such instruction and services by the teacher or specialist is feasible. If not, the appropriate designated instruction and services specialist shall provide such instruction and services. Designated instruction and services shall meet standards adopted by the board.

(b) These services may include, but are not limited to, the following:

- (1) Language and speech development and remediation.
- (2) Audiological services.
- (3) Orientation and mobility instruction.
- (4) Instruction in the home or hospital.
- (5) Adapted physical education.
- (6) Physical and occupational therapy.
- (7) Vision services.
- (8) Specialized driver training instruction.
- (9) Counseling and guidance.
- (10) Psychological services other than assessment and development of the individualized education program.
- (11) Parent counseling and training.
- (12) Health and nursing services.
- (13) Social worker services.
- (14) Specially designed vocational education and career development.
- (15) Recreation services.
- (16) Specialized services for low incidence disabilities, such as readers, transcribers, and vision and hearing services. *Integrated Special Classes/Instruction*

30 EC 56364.1 Notwithstanding the provisions of Section 56364, pupils with low incidence disabilities may receive all or a portion of their instruction in the regular classroom and may also be enrolled in special classes taught by appropriately credentialed teachers who serve these pupils at one or more school sites. The instruction shall be provided in a manner which is consistent with the guidelines adopted pursuant to Section 56136 and in accordance with the individualized education program.

Funding Specialized Books, Materials, and Equipment

30 EC 56739.

(a) When allocating funds received for special education pursuant to this article, it is the intent of the Legislature that, to the extent funding is available, school districts and county offices shall give first priority to expenditures to provide specialized books, materials, and equipment which are necessary and appropriate for the individualized education programs of pupils with low incidence disabilities, up to a maximum of five hundred dollars (\$500) per pupil with low incidence disability. Nothing in this subdivision shall be construed to prohibit pooling the prioritized funds to purchase equipment to be shared by several pupils.

(b) Equipment purchased pursuant to this section shall include, but not necessarily be limited to, non-prescriptive equipment, sensory aids, and other equipment and materials as appropriate.

Low Incidence Funding

30 EC 56771

(a) Commencing with the 1985-86 fiscal year, and for each fiscal year thereafter, funds to support specialized books, materials, and equipment as required under the individualized education program for each pupil with low incidence disabilities, as defined in Section 56026.5, shall be determined by dividing the total number of pupils with low incidence disabilities in the state, as reported on December 1 of the prior fiscal year, into the annual appropriation provided for this purpose in the Budget Act.

(b) The per-pupil entitlement determined pursuant to subdivision (a) shall be multiplied by the number of pupils with low incidence disabilities in each special education local plan area to determine the total funds available for each local plan.

(c) The superintendent shall apportion the amount determined pursuant to subdivision (b) to the responsible local agency in the special education local plan area for purposes of purchasing and coordinating the use of specialized books, materials, and equipment.

(d) As a condition of receiving these funds, the responsible local agency shall ensure that the appropriate books, materials, and equipment are purchased, that the use of the equipment is coordinated as necessary, and that the books, materials, and equipment are reassigned to local educational agencies within the special education local plan

area once the agency that originally received the books, materials, and equipment no longer needs them.

(e) It is the intent of the Legislature that special education local plan areas share unused specialized books, materials, and equipment with neighboring special education local plan areas.

Eligibility Criteria

5 CCR 3030. A pupil shall qualify as an individual with exceptional needs, pursuant to Section 56026 of the Education Code, if the results of the assessment as required by Section 56320 demonstrate that the degree of the pupil's impairment as described in Section **3030** (a through j) requires special education in one or more of the program options authorized by Section 56361 of the Education Code. The decision as to whether or not the assessment results demonstrate that the degree of the pupil's impairment requires special education shall be made by the individualized education program team, including assessment personnel in accordance with Section 56341(d) of the Education Code. The individualized education program team shall take into account all the relevant material which is available on the pupil. No single score or product of scores shall be used as the sole criterion for the decision of the individualized education program team as to the pupil's eligibility for special education. The specific processes and procedures for implementation of these criteria shall be developed by each special education local plan area and be included in the local plan pursuant to Section 56220(a) of the Education Code.

(a) A pupil has a hearing impairment, whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.

(b) A pupil has concomitant hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems.

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

(1) Articulation disorder.

(A) The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.

(B) A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

(2) Abnormal Voice. A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.

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

(4) Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:

(A) The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or

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

(d) A pupil has a visual impairment which, even with correction, adversely affects a pupil's educational performance.

(e) A pupil has a severe orthopedic impairment which adversely affects the pupil's educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes.

(f) A pupil has limited strength, vitality or alertness, due to chronic or acute health problems, including but not limited to a heart condition, cancer, leukemia, rheumatic fever, chronic kidney disease, cystic fibrosis, severe asthma, epilepsy, lead poisoning, diabetes, tuberculosis and other communicable infectious diseases, and hematological disorders such as sickle cell anemia and hemophilia which adversely affects a pupil's educational performance. In accordance with Section 56026(e) of the Education Code,

such physical disabilities shall not be temporary in nature as defined by Section 3001(v).

(g) A pupil exhibits any combination of the following autistic-like behaviors, to include but not limited to:

- (1) An inability to use oral language for appropriate communication.
- (2) A history of extreme withdrawal or relating to people inappropriately and continued impairment in social interaction from infancy through early childhood.
- (3) An obsession to maintain sameness.
- (4) Extreme preoccupation with objects or inappropriate use of objects or both.
- (5) Extreme resistance to controls.
- (6) Displays peculiar motoric mannerisms and motility patterns.
- (7) Self-stimulating, ritualistic behavior.

(h) A pupil has significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affect a pupil's educational performance.

(i) Because of a serious emotional disturbance, a pupil exhibits one or more of the following

characteristics over a long period of time and to a marked degree, which adversely affect educational performance:

- (1) An inability to learn which cannot be explained by intellectual, sensory, or health factors.
- (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- (3) Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.
- (4) A general pervasive mood of unhappiness or depression.
- (5) A tendency to develop physical symptoms or fears associated with personal or school problems.
- (j) A pupil has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations, and has a severe discrepancy between intellectual ability and achievement in one or

more of the academic areas specified in Section 56337(a) of the Education Code. For the purpose of Section 3030(j):

(1) Basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

(2) Intellectual ability includes both acquired learning and learning potential and shall be determined by a systematic assessment of intellectual functioning.

(3) The level of achievement includes the pupil's level of competence in materials and subject matter explicitly taught in school and shall be measured by standardized achievement tests.

(4) The decision as to whether or not a severe discrepancy exists shall be made by the individualized education program team, including assessment personnel in accordance with Section 56341(d), which takes into account all relevant material which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the individualized education program team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the individualized education program team shall use the following procedures:

(A) When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the ability test score to be compared; second, computing the difference between these common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.

(B) When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.

(C) If the standardized tests do not reveal a severe discrepancy as defined in subparagraphs (A) or (B) above, the individualized education program team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the

discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:

1. Data obtained from standardized assessment instruments;
 2. Information provided by the parent;
 3. Information provided by the pupil's present teacher;
 4. Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
 5. Consideration of the pupil's age, particularly for young children; and
 6. Any additional relevant information.
- (5) The discrepancy shall not be primarily the result of limited school experience or poor school attendance.

[Authority cited: Statutes of 1981, Chapter 1094, Section 25(a); and Section 56100(a), (g), (i), Education Code] [Reference: 20 U.S.C. 1401(a)(15) and 1412(5); 34 CFR 300.5(b)(7) and (9), 300.532(a) (2), (d) and (e), 300.533, 300.540, 300.541-43; and Sections 56026, 56320, 56333, and 56337, Education Code]

Deaf/Hearing Impaired

Referral for Further Assessment and Recommendations

30 EC 56326. A pupil may be referred, as appropriate, for further assessment and recommendations to the California Schools for the Deaf or Blind or the Diagnostic Centers.

Purpose of School for the Deaf

32 EC 59001. The California School for the Deaf is part of the public school system of the state except that it derives no revenue from the State School Fund, and has for its object the education of the deaf who, because of their severe hearing loss and educational needs, cannot be provided an appropriate educational program and related services in the regular public schools.

Testing Center; Schools for the Deaf

32 EC 59042. The Superintendent of Public Instruction may authorize the California School for the Deaf to establish and maintain a testing center for deaf and hard-of-hearing minors. It shall be the purpose of this center to test hearing acuity and to give such other tests as may be necessary for advising parents and school authorities concerning an appropriate educational program for the child.

Blind/Vision Impaired

Teacher Qualifications

30 EC Section 44265.5

(a) Pupils who are visually impaired, as defined in Section 56350, shall be taught by teachers whose professional preparation and credential authorization are specific to that disabling condition.

Pupils With Low-Incidence Disabilities; Hearing Impaired Children; Legislative Findings and Declarations 30 EC 56000.5.

(a) The Legislature finds and declares that:

(1) Pupils with low-incidence disabilities, as a group, make up less than 1 percent of the total statewide enrollment for kindergarten through grade 12.

(2) Pupils with low-incidence disabilities require highly specialized services, equipment, and materials.

(b) The Legislature further finds and declares that:

(1) Deafness involves the most basic of human needs--the ability to communicate with other human beings. Many hard-of-hearing and deaf children use an appropriate communication mode, sign language, which may be their primary language, while others express and receive language orally and aurally, with or without visual signs or cues. Still others, typically young hard-of-hearing and deaf children, lack any significant language skills. It is essential for the well-being and growth of hard-of hearing and deaf children that educational programs recognize the unique nature of deafness and ensure that all hard-of-hearing and deaf children have appropriate, ongoing, and fully accessible educational opportunities.

(2) It is essential that hard-of-hearing and deaf children, like all children, have an education in which their unique communication mode is respected, utilized, and developed to an appropriate level of proficiency.

(3) It is essential that hard-of-hearing and deaf children have an education in which special education teachers, psychologists, speech therapists, assessors, administrators, and other special education personnel understand the unique nature of deafness and are specifically trained to work with hard-of-hearing and deaf pupils. It is essential that hard-of-hearing and deaf children have an education in which their special education teachers are proficient in the primary language mode of those children.

(4) It is essential that hard-of-hearing and deaf children, like all children, have an education with a sufficient number of language mode peers with whom they can communicate directly and who are of the same, or approximately the same, age and ability level.

(5) It is essential that hard-of-hearing and deaf children have an education in which their parents and, where appropriate, hard-of-hearing and deaf people are involved in determining the extent, content, and purpose of programs.

(6) Hard-of-hearing and deaf children would benefit from an education in which they are exposed to hard-of-hearing and deaf role models.

(7) It is essential that hard-of-hearing and deaf children, like all children, have programs in which they have direct and appropriate access to all components of the educational process, including, but not limited to, recess, lunch, and extracurricular social and athletic activities.

(8) It is essential that hard-of-hearing and deaf children, like all children, have programs in which their unique vocational needs are provided for, including appropriate research, curricula, programs, staff, and outreach.

(9) Each hard-of-hearing and deaf child should have a determination of the least restrictive educational environment that takes into consideration these legislative findings and declarations.

(10) Given their unique communication needs, hard-of-hearing and deaf children would benefit from the development and implementation of regional programs for children with low-incidence disabilities.

Assessment/Low Vision Assessment

30 EC 56320.

(b) The pupil is assessed in all areas related to the suspected disability, including, where appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general ability, academic performance, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history is obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Section 56136.

Referral for Further Assessment and Recommendations

30 EC 56326. A pupil may be referred, as appropriate, for further assessment and recommendations to the California Schools for the Deaf or Blind or the Diagnostic Centers.

Visual Perceptual/Visual Motor Dysfunction

30 EC 56338. As used in Section 56337, "specific learning disability" includes, but is not limited to, disability within the function of vision which results in visual perceptual or visual motor dysfunction.

Definitions; Visually Impaired Pupils

30 EC 56350. Unless the context otherwise requires, the definitions set forth in this section shall govern the construction of this article.

(a) A "functionally blind pupil" means a pupil who relies basically on senses other than vision as major channels for learning.

(b) A "pupil with low vision" means a pupil who uses vision as a channel for learning, but who may also benefit from instruction in Braille.

(c) A "visually impaired pupil" means a pupil who is functionally blind or a pupil with low vision. For purposes of this article, a "visually impaired pupil" does not include a pupil who is eligible for special education and related services based on a specific learning disability identified pursuant to Section 56338.

(d) "Braille" means the system of reading and writing through touch commonly known as "Standard English Braille, American Edition."

Braille Instruction

30 EC 56351. School districts, special education local plan areas, or county offices of education shall provide opportunities for Braille instruction for pupils who, due to a prognosis of visual deterioration, may be expected to have a need for Braille as a reading medium.

Determining the Appropriate Reading Medium or Media

30 EC 56352.

(a) A functional vision assessment conducted pursuant to Section 56320 shall be used as one criterion in determining the appropriate reading medium or media for the pupil.

(b) An assessment of Braille skills shall be required for functionally blind pupils who have the ability to read in accordance with guidelines established pursuant to Section 56136.

(c) Braille instruction shall be provided by a teacher credentialed to teach pupils who are visually impaired.

(d) The determination, by a pupil's individualized education program team, of the most appropriate medium or media, including Braille, for visually impaired pupils shall be in accordance with guidelines established pursuant to Section 56136.

(e) Each visually impaired pupil shall be provided with the opportunity to receive an assessment to determine the appropriate reading medium or media, including Braille instruction, if appropriate, for that pupil.

30 EC 56360. Each district, special education local plan area, or county office shall ensure that a continuum of program options is available to meet the needs of individuals with exceptional needs for special education and related services.

Special Supplies and Equipment

30 EC 56822. Sound recordings, large print, Braille, and other specialized technology, media, or materials purchased, instructional materials transcribed from regular print into special media, and special supplies and equipment purchased for individuals with exceptional needs for which state or federal funds were allowed are property of the state and shall be available for use by individuals with exceptional needs throughout the state as the board shall provide.

Purpose of School for the Blind

32 EC 59101. The California School for the Blind is a part of the public school system of the state except that it derives no revenue from the State School Fund, and has for its object the education of visually impaired, blind, and deaf-blind pupils who, because of their severe sensory loss and educational needs, cannot be provided an appropriate educational needs, cannot be provided an appropriate educational program and related services in the regular public schools.

Vision Services

5 CCR 3051.7.

(b) Vision services shall be provided by a credentialed teacher of the visually handicapped and may include:

(1) Adaptations in curriculum, media, and the environment, as well as instruction in special skills.

(2) Consultative services to pupils, parents, teachers, and other school personnel.

(b) An assessment of and provision for services to visually impaired pupils may be conducted by an eye specialist who has training and expertise in low vision disabilities and has available the appropriate low vision aids for the purposes of assessment. The eye specialist may provide consultation to the pupil, parents, teacher and other school personnel as may be requested by the individualized education program team.

(c) Procedures which may be utilized by qualified personnel are those procedures authorized by federal and state laws and regulations and performed in accordance with these laws and regulations and standards of the profession.

(d) For the purposes of this section, an eye specialist shall mean a licensed optometrist, ophthalmologist, or other licensed physician and surgeon who has training and expertise in low vision disabilities.

Appropriate Reading Media or Medium, Including Braille

Noncodified Section, AB 2445 (Conroy), Chapter 998, Statutes of 1994

The Legislature hereby finds and declares the following:

(a) Functionally blind pupils and some pupils with other severe visual impairments who have the ability to read require instruction in Braille if they are to maximize their academic potential and have the greatest chances for success throughout their lives. There are pupils in California who are visually impaired for whom Braille is the appropriate reading method but who are not receiving instruction in Braille. In the development of the individualized education programs for pupils who are visually impaired, there is a presumption that proficiency in Braille reading and writing is essential for the pupils' satisfactory education progress and independent functioning.

(b) The most appropriate reading medium or media for an individual pupil is that which is most efficient in terms of comprehension, speed, and stamina, commensurate with the pupil's ability and grade level. It is not the intention of the Legislature to require the exclusive use of Braille if other educational media are appropriate for the pupil's educational needs. It is the intent of the Legislature, however, that all pupils who are visually impaired be given the opportunity to be assessed to determine the appropriate reading medium or media of each pupil.

California Department of Education Response to Frequently Asked Questions

1. There are two types of low incidence funding, one for books, materials and equipment and one for specialized services. May the SELPA combine the funds as long as they are spent on low incidence students?

No. There are two distinct low incidence funding sources, one for books, materials and equipment and the other for specialized services. These funds must be spent for the specific, established purpose only and may not be commingled.

2. May Low Incidence funding be spent in only one of the eligible low incidence disability areas even though all Low Incidence disability students generate income?

Yes. Although the allocation is generated on a per student basis and must be expended on only students who have a Low Incidence disability, there is no requirement that income be spent proportionally on each of the various disability groups consistent with the funds generated. It is a local decision of the LEA or SELPA regarding how the available low incidence funds are spent as long as revenue for equipment, books and materials isn't commingled with specialized services funds.

3. Is a SELPA or LEA required to use Low Incidence Funding to purchase prescription devices?

The California State Board of Education has adopted CCR, Title 5, § 3051.12(b)(3)(c), which states in part that "the school district shall not be required to purchase medical equipment for an individual student." Based on this regulation, the CDE has a long standing practice to encourage the purchase of prescription devices and medical equipment through other funding sources such as private medical insurance or Medi-Cal.

4. If a student with a low incidence disability within our SELPA for whom we purchased books, materials and equipment with our low incidence funds moves to a different SELPA, are we required to send the books, materials and equipment with the student to the new SELPA?

No. EC § 56836.22 (e) states in part that "it is the intent of the legislature that SELPAs share unused equipment, books and materials with neighboring SELPAs...." If the books, materials and equipment are still needed by other students with low incidence disabilities in your SELPA, there is no requirement to send it with the student who moved away. Providing these resources is the responsibility of the SELPA where the student now resides. If, however, books, materials and equipment purchased with low

incidence funds are unused, SELPAs are encouraged to make arrangements with other SELPAs to share the unused equipment, books and materials. The CDE may be contacted for assistance in locating another SELPA that has need of the unused equipment, books or materials. Unused equipment will be vetted by the Low Incidence Committee.

5. Our SELPA has obsolete, unusable books, materials and equipment purchased by low incidence funds. How do we dispose of these things?

Pursuant to *EC* § 56822, books, materials and equipment purchased with low incidence funds remain the property of the state. When the low incidence books, materials or equipment is no longer usable, it must be handled in the same manner that books, materials and equipment purchased by state funds other than low incidence is managed pursuant to *EC* § 17545-17555 which requires, among other things, that the items which are obsolete or unusable be declared surplus by the Governing Board and that they be auctioned off after the public has been duly notified.

6. May we give one of our graduating high school students who has a low incidence disability the specialized equipment purchased for him by our SELPA through low incidence funds so he can use it in college?

No, to do so would be a gift of public funds, which is a violation of law. Pursuant to *EC* § 56822, books, materials and equipment purchased with low incidence funds remain the property of the state. Since the student has graduated from high school, he is no longer eligible to receive special education services from your SELPA. If your SELPA no longer has use for the books, equipment or materials the CDE should be notified so that we can find another SELPA that has need of these resources. If the student needs similar equipment in college, he should contact the Department of Rehabilitation who has the legal responsibility to assist in training adults with disabilities.

7. The parents of one of our graduating high school students with a low incidence disability wish to purchase the specialized equipment from our SELPA that we provided for her use while in our special education program. May we sell it to them?

No, *EC* § 56822 states that books, materials and equipment purchased with low incidence funds remain the property of the state. The equipment should be reassigned to another student in the SELPA, a neighboring SELPA or the CDE should be notified to identify a SELPA that can use the equipment. Even if the equipment is so personalized that it cannot be used by another student, the procedures in *EC* § 17545-17555 for disposal of obsolete or unusable property must still be followed, but the parent could then attempt to purchase the equipment at the public auction held by the school.

8. We have students in our SELPA who have visual perception problems. Does this disability qualify as a visual impairment for low incidence funding?

No. *EC* § 56026.5 states "Low incidence disability" means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade twelve. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof. Vision impairments as defined by *EC* § 56350 (c) do not include a pupil who is eligible for special education and related services based on a specific learning disability within the function of vision which results in visual perceptual or visual motor dysfunction identified pursuant to § 56338.

9. We have a student who is both severely emotionally disturbed and blind. Will we receive low incidence funding for this student?

Visual Impairment is one of the severe disabling conditions defined by *EC* § 56026.5 as a low incidence disability. The language "or any combination thereof" has been interpreted to mean a student is eligible for Low Incidence funding if (s)he has at least one of the three severe disabling condition regardless of any other disabilities that may also be present. Therefore, a student who has multiple disabilities will generate Low Incidence funding as long as that student has been reported on the CASEMIS pupil count in either Disability 1 or Disability 2 as either hearing impaired, visually impaired or severely orthopedically impaired. Since students with low incidence disabilities may be reported in either the Disability 1 or Disability 2 category on the CASEMIS, first there is a count of disability 1 data. Then there is a count of disability 2 to capture those students with low incidence disabilities that were not reported in Disability 1. This ensures that the total count is an unduplicated count.

California Department of Education Contacts for Low Incidence

The California Department of Education (CDE) Low Incidence Program Consultant and the Clearinghouse for Specialized Media and Technology (CSMT) can assist and advise the SELPA in reassigning surplus materials and equipment statewide or provide information regarding the disposal of unusable surplus items. If there are any questions or need for assistance, the Low Incidence coordinator will contact the current CDE Low Incidence consultant in Sacramento:

Web page: <http://www.cde.ca.gov/sp/se/> E-mail: lwyatt@cde.ca.gov

Web page: <http://www.cde.ca.gov/re/pn/sm/> E-mail: jparis-salb@cde.ca.gov

Guidelines for each low incidence disability are published by the California Department of Education (CDE), pursuant to *EC* § 56136 that provide additional information about specialized books, materials and equipment. Copies of the guidelines may be ordered from: CDE Press, Publication Sales, California Department of Education

P.O. Box 271, Sacramento, CA 95812-0271

Telephone: 916-445-260 or 1-800-995-4099

<http://www.cde.ca.gov/re/pn/>

If technical assistance in serving students with low incidence disabilities is needed, contact:

Assistive Technology Linda Wyatt 916-322-3254

Deaf-Blind Linda Wyatt 916-322-3254

Deaf/Hard of Hearing Nancy Grosz Sager 916-327-3868

Regionalization Nancy Grosz Sager 916-327-3868

Severe Orthopedic Impairments Linda Wyatt 916-322-3254

Visual Impairments Linda Wyatt 916-322-3254

A regionalized approach be used to provide services to students with low incidence disabilities, whenever possible. A report, titled *Regionalization for Students with Low Incidence Disabilities*, developed pursuant to ACR 55, provides information regarding the effectiveness of using regionalization. For a copy of this document, contact: Resources in Special Education (RiSE)

Sonoma State University - CIHS

1801 E. Cotati Avenue, Rohnert Park, CA 94928

707-664-4394, or FAX 707-664-2417

CHAPTER 12 POSITIVE BEHAVIORAL SUPPORT AND INTERVENTION PLANS

POLICY

It shall be the policy of the Folsom Cordova Unified School District (FCUSD) SELPA in accordance with the Hughes Bill (Chapter 959 of the 1990 statutes; California Education Code 56520 et seq.) and its implementing regulations (California Code of the Regulations, Title 5 Education) that this document serves as a framework to guide educators and parents in developing positive behavior plans and interventions, and behavioral emergency procedures.

12.1 When Is a Behavioral Addendum/Goal or Classroom Behavior Management Plan Written?

Students with repeated behaviors that interfere with their learning or the learning of others or behaviors that have resulted in a suspension of one to three days need to have their behaviors addressed by attaching an addendum to the IEP. A goal needs to be written in this addendum to specifically define the desired behavior needed. If necessary a Classroom Behavior Management Plan also needs to be written to help facilitate meeting the behavioral goal. The classroom plan, the addendum and the IEP goal must identify the behaviors impeding learning and identify positive consequences for the student's ability to demonstrate the desired behavior. Parent involvement is essential in developing this plan with the case manager.

12.2 What Is a Behavioral Support Plan (BSP)?

A Behavioral Support Plan (BSP) is a collaboratively developed plan that identifies behavior that impedes (is a barrier to) a student's learning or the learning of others. The plan identifies the antecedents and the functions of a behavior. The BSP describes necessary changes needed in the environment, supports and reinforcement to be provided, and defines instructional strategies and materials to be used to ensure the student develops alternative replacement behaviors that support classroom success.

12.3 When Should a Behavior Support Plan Be Developed?

A Behavior Support Plan may be developed by the Individualized Education Program (IEP) team members as a response to any student's behavioral difficulty and as an intervention to teach desired behavior. A plan should be developed if the student's inappropriate

behavior is repetitive, anticipated to re-occur and demonstrates a pattern; or may lead to disciplinary action, and **before a special education student is suspended ten (10) days**. Behavior Support Plans should be written if the behavioral goals or classroom behavior management plan is not effective and the problematic behaviors are persisting in impeding the student's ability to learn. An IEP addendum meeting needs to be held to write the plan into the IEP with an attached goal.

Who is responsible for developing and implementing Behavior Support Plan?

Those persons who interact with the student on a regular basis are responsible for developing and implementing the BSP. The teacher, the site administrator, school psychologist, district behavior staff, school counselor, general education teacher(s), student, and parent/guardian are all critical partners in this process to achieve success.

Why develop and implement a Behavioral Support Plan?

There are both legal and philosophical reasons for developing a Behavior Support Plan for a student experiencing behavioral difficulties in the classroom and/or school settings. The Individuals with Disabilities Education Act (IDEA) and California Education Code (EC 3052) require that positive behavior interventions, strategies, and supports be considered whenever serious behaviors are present that the IEP team believes are impeding the learning of the student or his/her peers. A behavior plan which only specifies consequences for infractions is not considered a positive behavioral support plan or a supplementary aid and support service, as intended by the laws.

Behavioral Support Plan should focus on understanding "why" problem behavior occurs (the "function" or "communicative intent"), then focus on teaching or eliciting a desired alternative behavior that meets the student's need in more acceptable ways. By understanding the behavior and teaching alternatives or changing environmental conditions, the team can develop a plan designed to permanently change the way a student seeks to get a need met. Identifying antecedents (the "triggers" or "predictors" of the behavior) are critical in changing behavior and for intervening before the problem behavior occurs or escalates. The philosophy behind this approach is that positive behavior needs to be taught (e.g., modeled, shaped, cued) in an environment conducive to learning so that lasting change is possible.

12.4 What Should the Team Do if the BSP is Not Producing Desired Results?

1. Contact the behavior specialist and establish 2-4 consults over a thirty day period.
2. Complete the Functional Assessment for Teachers and Staff (FACTS Part A & B)
3. Complete the Fidelity Assessment Measurement Tool
4. Review the Behavior Checklist and FAA Referral Questionnaire.

5. Collect data on behavior concern, graph, and consider systemic changes.

12.5 What Is A Functional Analysis Assessment And A Behavior Intervention Plan?

A Functional Analysis Assessment EC 3053(6)(b) must be conducted by, or under the supervision of a person, who has documented training in behavior analysis with an emphasis on positive behavioral interventions. A Functional Analysis Assessment (FAA) shall occur after the IEP team finds the behavioral support strategies specified in the IEP to be ineffective or prior to (up to the 19th day of suspension) a pre-expulsion. BICM (Behavior Intervention Case Manager) trained personnel can conduct the FAA. A BICM may be a district behavior analyst, district behavior specialist, or any district employee who has completed the district BICM training or holds a current BCBA or BCABA. The Functional Analysis Assessment needs to be a multi-disciplinary report to gather information from three sources: direct observation, interviews with significant others and review of available data, such as assessment reports and prior behavior support strategies. Prior to conducting the FAA, a parental notice of consent shall be given (EC 56321).

A Functional Analysis Assessment shall include the following:

- a systematic observation of the targeted behavior to define and describe the behavior including the frequency, duration and intensity of the behavior
- a systematic observation of the antecedents associated with the targeted behavior
- a systematic observation and analysis of the consequences associated with the behavior
- a determination of the function that the behavior serves for the individual
- identify the communicative intent of the behavior of what the individual is requesting or protesting
- an ecological analysis of the environment in which the behavior occurs
- review of health and medical factors
- report of the behavioral history

After the Functional Analysis Assessment has been completed, a written copy of the assessment results will be provided to the parents. In addition to the above data, the FAA shall include a description of the desired alternate behavior, their antecedents and consequences and recommendations for consideration by the IEP team in developing a Behavior Intervention Plan. An IEP shall be conducted within 60 days of the assessment plan being signed (EC Section 3001 (f)) to add the BIP to the students IEP.

A Behavior Intervention Plan (BIP) shall be based on the findings of the FAA. The interventions shall only be used to replace specified maladaptive behavior(s) with desired alternate behavior(s) and shall not be used solely to eliminate maladaptive behaviors. The BIP shall be specified in the student's IEP and be implemented in a systematic manner.

The BIP can be implemented by any district employee that has documented training in behavior analysis with an emphasis on positive behavioral interventions. Staff development training in the area of positive behavior support is offered on a monthly basis. Behavior staff (Behavior Analyst and/or Behavior Specialists) conducts individual training as needed per staff needs in implementing behavior interventions. Behavior staff is trained as trainers in Therapeutic Crisis Intervention (TCI) and Crisis Preventions Institute (CPI.) Behavior staff acquires Continuing Education Units, up to 12 CEUs per year, in the area of positive behavior supports.

The Behavior Intervention Plans must include the following:

- identify the alternative antecedents likely to prevent the occurrence of the targeted behavior
- identify techniques to teach the student the desired alternate behaviors that will produce the same consequence as the inappropriate behavior
- identify techniques to teach the student adaptive behaviors which ameliorate negative conditions that promote the display of the inappropriate behavior
- identify consequences that support the desired behavioral outcome
- evaluation criteria to measure success against the baseline data (frequency, intensity, duration) across a wide variety of settings and time of day
- documentation of the program implementation
- schedule of review dates for the IEP team

12.6 Developing Positive Behavior Intervention and Support Plans

Identify the specific behavior(s) that need to be targeted

It is important that the team identify specific behavior(s) that (1) impede learning or the learning of others, (2) may lead to disruption, aggression, or disciplinary action, and/or (3) can cause potential injury to self, others, or property and result in disciplinary action. Although a student may display a variety of behaviors, it is important that the Positive Behavioral Support and Intervention Plan target just a few (e.g. 1-3) behaviors to be effective. The team should select those behaviors that have the greatest impact on the student's success in the school/classroom. The targeted behavior(s) should have a specified frequency, intensity, and/or duration based on observation and documentation gathered over a period of time.

Understand that problem behavior is related to the context in which it occurs

Events, people, and sensations might affect a student at any given time. The team working with a student displaying problem behavior needs to assess the general conditions present such as assigned activities, curricular expectations, seating arrangement, work space,

temperature, and the student's physiological and emotional condition (e.g., anger, anxiety, depression, fatigue, hunger, illness, pain, etc.).

It is also important to identify antecedents of behavior (sometimes called "triggers") and setting events that increase or decrease the likelihood of the problem behavior occurring given those antecedents. "Triggers" are immediate events which evoke the problem behavior (e.g. teacher request, presentation of work, interaction with a peer). Setting events may influence student behavior and include some events that are out of your control (e.g. student sleep schedules, nutrition, events occurring at home).

Understand that problem behavior serves a function for the student

Typically people display behavior that has worked for them in the past and/or present to achieve a result that is agreeable to them. It is important to not confuse the form of behavior with the function of the behavior. The form or way the student chooses to display behavior can be influenced by one's culture/subculture, experience, disability, group affiliation, and/or sensory system. Rather than focusing on its form, it is critical to analyze the behavior for its function.

The student's behavior is related to its function. Problem behavior may stem from the need to: (1) get something, (2) escape or avoid something, and/or (3) avoid or get sensory stimulation. Some examples are: to avoid, or escape a task, to seek attention, to demand or request a specific person or group of people, to gain a desired or undesired object, to have fun or play time, in response to an action taken by someone else, and to gain status in a group.

Understand the student's disability and related behaviors

It is important that the team members have a clear understanding of the student's diagnosed disability and behaviors that may be related to the disability. This is critical because a student may not be suspended from school for behaviors that are a manifestation of his or her identified disability. Such considerations also help the team develop appropriate interventions prior to having to conduct a formal manifestation determination.

A few examples of when behavior may be related to disability are provided for clarification. A student with an attention deficit hyperactivity disorder and associated learning problems may not be consciously aware of impulsive or self-stimulatory behaviors such as wiggling in seat, pencil tapping, leg shaking, and so forth that are distracting to others. A student with poor reading skills may seek excessive attention from adults in the classroom rather

than attempt to work independently on challenging tasks. A student with identified visual motor integration problems that impede written language skills may demonstrate avoidance behaviors or those that have worked in the past to get out of the situation when presented with a written task. A student with identified emotional disturbance due to an inability to build or maintain satisfactory relationships with others may be verbally aggressive as a means of protesting what he/she perceives to be unfair of what occurred during a peer-to-peer and/or adult-student interaction.

Just as importantly, it is important to determine if the problem behavior(s) are not related to the student's disability. For example, a student with an identified specific learning disability in auditory memory skills that affects reading and written language chooses to bring an illegal substance or object to school to share with other students. It is important to note that conduct disorder (CD), oppositional defiant disorder (ODD), and social maladjustment (SM) conditions are not considered disabling conditions under the IDEA or California Education Code.

12.7 Emergency Situations and Interventions

Emergency interventions may only be used to control unpredictable, spontaneous behaviors which pose a clear and present danger of serious physical harm to the individual or others which cannot be immediately prevented by a response less restrictive than the temporary application used to contain the behavior. Emergency interventions shall not be used in place of the Behavior Support Strategies or the Behavior Intervention Plans. A staff member's response to a behavioral emergency shall not last longer than is absolutely necessary to protect people and property from serious physical harm.

Anytime a Behavior Emergency Report is written regarding a student without a behavior intervention plan, the site administrator shall determine within two days if an IEP team needs to reconvene to review behavioral strategies and determine the need for a Functional Analysis Assessment. The IEP team will document the reasons for not conducting the FAA and/or not developing and interim behavioral plan.

When an emergency intervention is used with a student, a Behavior Emergency Report shall be completed immediately, given to the site administrator, and maintained in the student's file. Parents or care providers must be notified, by telephone, within 24 hours of the incident. The report shall include:

- Name and age of individual
- Setting and location of the incident
- Name of the staff or persons involved
- A description of the incident

- Emergency intervention used (include whether the individual is currently engaged in a systematic behavior intervention plan)
- Details of injuries sustained by individuals or others including staff

A copy of the report shall be immediately forwarded to the Behavior Analyst / Mental Health Coordinator. The report is not to be sent home to the parents.

12.8 Emergency Guidelines

Emergency behavior interventions are limited to utilization of the Therapeutic Crisis Intervention (TCI) approach. This training has been provided on a scheduled basis to staff in designated programs. Personnel trained in these procedures shall include, but not be limited, to the following: classroom teachers, instructional assistants, counselors, site administrators, program specialists, behavior specialists, and school psychologists. Personnel not trained in this particular approach are not to utilize the use of physical restraints with students unless no other option is available and it is necessary to protect the safety of all students.

In accordance with regulations, the following behavior interventions **are expressly prohibited**:

- Any intervention designed or likely to cause physical pain
- Use of noxious, toxic or otherwise unpleasant sprays, mists, or substances in proximity to the student's face
- Any intervention which denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities
- Any intervention designed to subject, used to subject, or likely to subject an individual to verbal abuse, ridicule, or humiliation, or which can be expected to cause excessive emotional trauma
- Any restrictive intervention which employs a device or material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained personnel as a limited emergency intervention pursuant to use of emergency interventions to control unpredictable, spontaneous behavior which poses a clear and present danger of serious physical harm to the individual or others or serious property damage and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior
- Locked seclusion
- Any intervention that precludes adequate supervision
- An intervention which deprives the individual of one or more of his/her senses

12.9 Behavior Strategies

Giving Directions

1. Have eye contact before giving directions

2. Write down all verbal direction and/or demonstrate
3. Have students repeat directions
4. Keep directions concise and simple
5. Written directions – highlight or underline

Classroom Procedures – Structure is #1

- Provide schedule
- Cue student for transitions
- Review classroom rules frequently
- Always state positively, the action you would like to see
- Provide immediate feedback
- Give one assignment at a time
- Provide hands-on instruction
- Set timer for on-task behavior and transitions
- Provide choices
- Maintain a 4:1 ratio of positive to corrective feedback

Impulsivity and Distractibility

- Limit visual stimuli
- Establish visual cues to stop inappropriate behaviors
- Check the difficulty of work
- Positive reward system

Steps for Prevention

- Prepare students in advance of any change in schedule
- Have all supplies and materials prepared and ready for the activity
- Provide a quiet area
- Redirect to another activity verbally or w/physical prompts
- Provide choices of alternate activity
- Ignore attention seeking behaviors, but not the student
- State the “message” of the behavior (“you seem to be having a hard time finishing your work.”)

Preventing Behavior Problems

- Determine reinforcement preference
- Determine academic ability levels
- Determine ability to remain on task
- Determine social interaction skills
- Determine group behavior

- Communicate between school and home to prevent student from playing one adult against another
- Base seating arrangements on behavior
- Base group involvement on behavior
- Maintain teacher mobility in classroom
- Maintain teacher-student contact: visual, verbal, and physical
- Use criteria for expectations based on observed behavior and performance
- Use shaping, fading, and imitation procedures to gradually change behavior
- Develop a variety of reinforcers
- Use curriculum as reinforcement
- Use rules, point cards, and schedules of daily events as discriminative stimuli
- Maintain a full schedule of activities (minimize down time)
- Do not ignore behavior as an excuse for not intervening
- Use time away to help the student resolve problem behaviors
- Intervene early when any form of conflict occurs
- Use language that is positive and firm, not demanding, insulting, or harassing

Examples of Positive Reinforcement in the Classroom

- Legitimate praise and acknowledgment are the best reinforcers
- Reward students with privileges (e.g., classroom jobs and responsibilities)
- It is generally a good idea not to use the “big guns” (major incentives and rewards) unless they are needed in the classroom; start with easy, small rewards and incentives
- Many students are motivated to work for tangible rewards (stickers, prizes, food)
- Other suggested reinforcers include:
 - Choosing a game to play with a friend
 - Earning “free time”
 - Earning breakfast or lunch with the teacher
 - Reading or looking at special interest magazines
 - Using the computer alone or with a friend
 - Listening to music with tape recorder and earphones
 - Working with clay, special pens/paper, whiteboards
 - Leading a game, perhaps as captain of team
 - Removing lowest test grade
 - Skipping an assignment of student’s choice
 - Bringing to class/demonstrating something of the student’s choice

Classroom Incentives

Classroom incentives are great motivators. Here are two that work particularly well for many teachers:

- Students earn tickets or play money to be used towards a weekly, bi-weekly, or monthly auction or raffle students can use their accumulated tickets/money to buy assorted toys, items, or privileges from their teacher

- Marbles or chips are placed in a jar by the teacher when students are caught doing something well or behaving appropriately when the jar is filled, the class earns a special party (e.g., popcorn, pizza, ice cream), activity, or field trip of some kind

Tips for Helping Distractible Students

- Seat students up close near the teacher.
- Make direct eye contact with the student.
- Clear hands and desk of distractions.
- Make sure child is seated among attentive, well-focused students.
- Use physical contact (e.g. hand on shoulder or back).
- Positive reinforcement and behavior modification techniques/incentives can be employed (e.g., table points for being attentive and on-task, individual charts, contracts and cards for teacher to give points, stickers, initials, and so on). Praise the student when focused: “I like the way Adrian is sitting up and looking at the board.”
- Use private signals and cues that have been arranged with this student to help focus attention. Examples: When teacher points to his/her eyes, it means “look.” Pointing to the teacher’s ear means “listen.” When the teacher points to and taps his/her chin it means “watch my face and pay attention.”

Maintaining Attention and Students’ Involvement

- Keep the lesson clear to maintain attention.
- Lessons should be delivered with enthusiasm.
- Reduce lag time by being prepared.
- Use pictures, diagrams, gestures, manipulatives, and high-interest material.
- Structure the lesson so that it can be done in pairs or small groups for maximum student involvement and attention. Cooperative learning is the ideal strategy and structure for keeping students engaged and participating. It is a critical teaching skill to learn for today’s classrooms.
- Use higher-level questioning techniques. Ask questions that are open-ended, require reasoning and stimulate critical thinking and discussion.
- Have students write down brief notes during instruction.
- Use cloze techniques: Provide a study sheet or study guide with key words omitted. Have students fill in the missing words during instruction. Using a teacher-provided study sheet, have
- students HIGHLIGHT in color the key points. Example of cloze method: “This chapter provides suggestions on how to get students’ _____ and keep them _____.”
- Call on students with equity. Many teachers inadvertently ignore certain students in the classroom. Teachers are generally unaware that they overlook students seated in certain parts of the room, or that they may call on males more frequently than females. Some teachers tend to call on those students who typically can ‘feedback’ the information that the teacher is looking for. Other teachers will deliberately call on students who they think are not prepared or will not know the answer. Statistics in Gender/ethnic Expectations and Student Achievement (GESA) prove this to be overwhelmingly so. (reference by Dolores A. Grayson and Mary D. Martin, GESA.)

- Students are very astute and quickly learn their teachers' habits and system and their chances of being called on to contribute in class. Students who perceive that they will be required to contribute and speak in front of their peers will remain more attentive. GESA training suggests strategies to ensure that students are called on with greater equity.

Teachers may want to try some of the following:

- Use a deck of cards with each student's name on it. Pick from the deck randomly to call on students, replacing the card back in the deck each time.
- Write the students' names on Popsicle sticks and pull them at random to call on students.
- Videotape yourself or tape record yourself on occasion to check your own tendencies and observe who you respond to the most. This awareness helps us make a conscious effort to respond to students we may have been ignoring in the past.
- Have students keep a tally card on their desk. Tell them that you are trying to make sure you are being fair in who you call on in class. Ask them to put a tally mark on the card each time that you call on them in class. This can be done for a day, or over a period of a few days or a week. The results can be very revealing to the teacher, and kids are generally happy to cooperate. Students also view random methods as being fair.
- Allow at least 5-seconds of wait time. Many students need extra time to process the question, gather their thoughts, and be able to express them. Try rephrasing, ask probing questions, and wait longer for a response. Tell students who cannot answer the question that you will come back to them later – then do it.
- Make special arrangements. Be sensitive to students who are often viewed by peers as poor students who never know the answer. Be open to making a special arrangement in private with a student to help bolster their self-esteem. You may try telling the student to go ahead and raise his/her hand with a fist closed, and you will not call on him/her at that time. When the student raises an open hand, you will make every effort to call on the student at that time.
- This technique is very effective in changing peer perception of individuals who seldom raise their hand. Other classmates are not aware of the fist or open hand and only notice that the student appears to know the answer and wishes to contribute in class.

Have students actively participate in the lesson to keep them involved and focused.

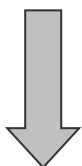
Try the following techniques:

- Brainstorm. Have students generate ideas related to the topic orally as the teacher writes down all ideas/contributions on the chalkboard, butcher paper, or overhead transparency.
- "Turn to your partner (or person across from you, behind you) and discuss for a few minutes." Or "Write down with your partner all the things you can think of that _____."
- Quickwrites--give students a brief amount of time to write in a response to your question or prompt. They then have to read what they wrote to a partner, group, or the whole class.

12.10 Implementation of Behavioral Intervention Plans

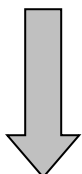
The team, including the family or other responsible party, trained individual, and so forth, collaborates to:

- Describe the student (history, lifestyle, personal goals, etc.)
- Define target behavior in objective, observable terms.
- Develop hypothesis
- Determine strategies for gathering baseline data
- Plan changes to enhance the student's lifestyle



Team members collaborate to obtain:

- Assessment data in selected settings and situations
- Other needed baseline data and observations

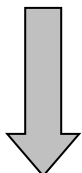


The team meets to:

- Share results of functional assessment
- Review baseline data
- Determine function of behavior

The team develops a behavioral intervention plan that includes:

- Antecedent/response/consequence manipulation
- Determination of which replacement behaviors to teach
- Procedures for fading or changing the plan
- Implementation of changes in curriculum and instructional strategies
- Logistics for implementation of the plan (who/what/when)



Behavioral intervention plan is implemented for the individual in the settings designated by the team.



The team meets to review, evaluate, and revise the plan periodically as designated in the behavioral intervention plan and when necessary because of a:

- Family request
- Staff request
- Behavioral emergency situation

Adapted from Jim Lyons and Pat Rainey, California Department of Education, Special Education Division

12.11 Behavior Procedure Chart

	Behavior Addendum/ Goal I	Behavior Support Plan (BSP) II	Before the 8 th Day of Suspension Specialist	MD before 11 th Day of Suspension	Functional Analysis Assessment (FAA) III
Case Manager	Teacher	Teacher			Behavior Analyst/ Specialist or BICM (Multi-Disciplinary Report) EC 56341(c)(2)
TimeLine	Prior to 6 th day of suspension or exhibits repeated behavior pattern	Prior to 6 th day of suspension or exhibits repeated behavior pattern			Prior to Pre-expulsion (19 days suspension) Repeated behavior or parent request

Assessment Plan Signed	NO	NO			YES EC 56321
Parent Involvement	YES	YES			YES
Procedure	<ul style="list-style-type: none"> • Review files for behavioral history EC 3052(6)(b) • Write IEP addendum to add behavior goal or write classroom behavior management plan 	<ul style="list-style-type: none"> • Complete District BSP Form and determine strategy if behavior goal not working EC 3052(6)(b) • Hold IEP addendum to attach BSP to IEP and/or rewrite goal 			<ul style="list-style-type: none"> • Secure signed assessment plan EC 3052(6)(b) • Conduct FAA • Hold IEP within 50 days • Write BIP

<i>Examples</i>	<ul style="list-style-type: none"> • <i>Wandering/Off task</i> • <i>Non-compliant to teacher request</i> • <i>Inappropriate peer interactions</i> • <i>Poor self-esteem</i> • <i>Verbal defiance</i> 	<ul style="list-style-type: none"> • <i>Verbal threats to peers/adult</i> • <i>Destroys personal property</i> • <i>Inappropriate use of school equipment</i> 			<ul style="list-style-type: none"> • <i>Serious Property damage</i> • <i>Inappropriate physical interaction with staff/peers</i> • <i>Weapons/drug/Alcohol</i>
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12.12 Classroom Behavioral Charting Summary

Student _____ Teacher _____

School Site _____ Date _____

Describe the behavior: _____

DATE	TIME	BEHAVIOR e.g. tantrums, aggression, non- engagement	SETTING/EVENT e.g. time, transition, prior negative event, hunger	ANTECEDENT e.g. instructions, activity, errors, no attention	CONSEQUENCE e.g. end of activity, feedback, punishment, attention	FUNCTION 1. gain something 2. avoid/escape 3.increase/decr ease Stimulation

12.13 Classroom Behavior Management Plan

Student _____ Date _____

Teacher _____ Review Date _____

School _____ Grade _____

Targeted Behavior to be Decreased: _____

Positive Desired Behavior(Behavior Goal):

Prevention Strategies (modify or remove triggers):

(1)

(2)

(3)

Positive Consequences and Reinforcement

(1) _____

(2) _____

(3) _____

Negative Consequences:

How will I measure progress? _____

Folsom Cordova Unified School District SELPA

12.14 Behavior Support Plan

Student: _____ **Teacher:** _____

School: _____ **Date:** _____

Current Information:

Strengths and Interests:

Behavior of Concern and Alternative Behavior:

Behavior Definition:

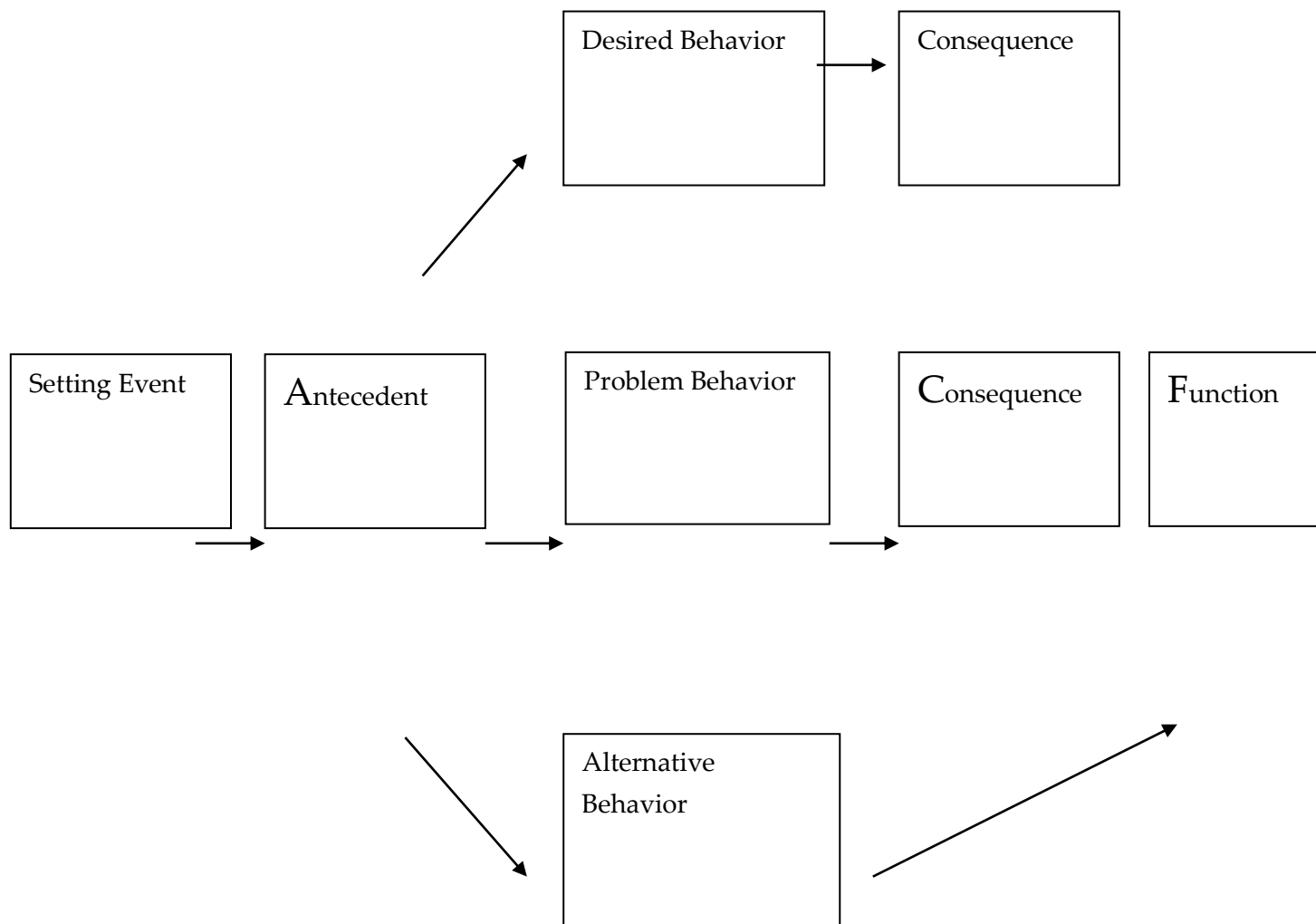
Current Frequency / Duration / Intensity:

Hypothesized function of problem behavior:

Alternative Behavior:

12.15 Behavior Support Plan

STEP 1: Build a Competing Behavior Pathway



*(Make problem behavior irrelevant)
(Make problem behavior inefficient) (Make problem behavior ineffective)*

(Make problem behavior

Setting Event Strategies	Antecedent Strategies	Behavior Teaching Strategies	Consequence Strategies
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Step 2: Select Initial Intervention Strategies

Tasks	Person Responsible	By When	Review Date	Evaluation Decision
				<ul style="list-style-type: none"> • Monitor • Modify • Discontinue

*If emergency behavior management procedures are necessary, attach crisis plan as separate sheet.

STEP 3: Evaluate Plan

Behavioral Goal (Use specific, observable, measurable descriptions of goal)

<p>What is the short-term behavioral goal?</p> <p>_____ Expected date</p>
<p>What is the long-term behavioral goal?</p>

Evaluation Procedures

Data to be Collected	Procedures for Data Collection	Person Responsible	Timeline
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Plan review date: _____

We agree to the conditions of this plan:

Student _____ (date) _____

Parent or guardian (date)

Teacher _____ (date) _____

Teacher _____ (date) _____

Action Team member (date)

Action Team member (date)